REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

PUNJAB AND ITS DEPENDENCIES

DURING THE YEAR

1882

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TABLE OF CONTENTS.

	Para.
Form of report and statements	2

PART I—ORIGINAL JURISDICTION.

A.—Institution of Suits.

Number of suits instituted	3
Fluctuations in the different classes of Courts	4
Districts in which litigation increased	5
Districts in which decrease was largest	6

B.—Classification of Suits.

Institutions of 1881 and 1882 classified	7
Suits for money or moveables	8
Suits for rent and under the Punjab Tenancy Act	9
Other suits	10
Suits by bankers and shopkeepers against Agriculturists	11

C.—Value of Suits.

Form of Statement No. 3 altered	12
Value of suits instituted in 1881 and 1882	13
Further particulars of value	14
How suits in Courts of ordinary jurisdiction might have been distributed between Courts graded as in the Punjab and actual distribution	15
How the distribution would have been affected by a recent proposal to alter the constitution of certain Courts	16
Value and cost of suits disposed of during 1882	17

D.—Disposal of Original Suits.

General results shown in Statement No 4	18
Suits for disposal, disposed of and pending	19
Details of disposal given for each district	20
Dismissals on default	21
Cases withdrawn, compromised and confessed	22
Ex-parte decisions	23
References to arbitration	24
Contested cases	25
Applications for review of judgment	26
Commissions	27
Orders attaching property before judgment	28
Decrees bearing interest	29
Pending file	30
Cases pending over 3 months	31
Cases pending over a year and oldest pending cases	32
Average duration of cases	33
Average number of attendances	34
Plaints rejected or returned	35

E.—Agency employed in Districts.

Distribution of original business in districts	36
Disposals by Sadr Courts of general jurisdiction	37
Disposal by Tahsildárs	38
Disposals by Munsiffs	39
Disposals by Honorary Courts and business of Small Cause Courts	40

F.—Miscellaneous Cases.

Exclusion of certain cases explained	41
Miscellaneous cases under the Code of Civil Procedure	42
Other miscellaneous cases	43
Applications for redemption or foreclosure of mortgages	44
Applications under Acts XL of 1858 and IX of 1861	45
Applications for certificates under Act XXVII of 1860	46
Uncontested applications for probate and letters of administration	47
Cases under Act X of 1870	48
Number of cases for disposal and disposed of, and average duration	49

G.—Execution of Decrees.

Business of past two years compared	50
Result of applications in 1881 and 1882	51
Pending applications	52
Average duration	53
Value of decrees in execution and amount realized	54
Realizations how effected	55
Modes of coercion employed in 1881 and 1882	56
Arrest and imprisonment	57
Attachment and sale of moveable property	58
Sales of land in execution of decrees	59
Other modes of executing decrees	60
Comparative working of different grades of Courts	61
Miscellaneous cases connected with execution proceedings	62
Execution of decrees of Courts at head-quarters of districts	63
Proceedings in insolvency	64
Applications for a declaration of insolvency	65
Estates in the hands of receivers	66

H.—Witnesses.

	Para.
Attendance of witnesses	67
Payment of witnesses	68
Average cost of processes	69

PART II.—SMALL CAUSE COURTS.

Business of District Small Cause Courts	70
How disposed of	71
Average duration	72
Suits by bankers and shopkeepers against agiiculturists	73
Attendance of witnesses	74
Applications for re-trial	75
References to the Chief Court	76
Trials by two Judges	77
Execution of decrees	78
Business of Cantonment Small Cause Courts	79

PART III.—APPELLATE COURTS SUBORDINATE TO THE CHIEF COURT.

Appeals compared with appealable decisions	80

A.—District Courts.

Institutions and distribution of business	81
Appeals for disposal, disposed of and pending	82
Districts in which the arrears were heaviest, and longest pending appeals	83
Average duration	84
Other particulars of disposal	85
Value and cost of appeals in District Courts	86
Miscellaneous appeals	87

B.—Divisional Courts.

Institutions compared with those of the previous year	88
Appeals for disposal, disposed of and pending	89
Average duration	90
Result of appeals in 1881 and 1882	91
Value and cost of appeals in Divisional Courts	92
Miscellaneous appeals	93

PART IV.—CIVIL BUSINESS OF THE CHIEF COURT.

Constitution of the Chief Court during 1882	94
Civil appeals	95
Increase in institutions	96
Results of appeals in 1881 and 1882, and manner of disposal	97
Pending file	98
Average duration	99
Value and cost of appeals decided during 1882	100
Applications for revision	101
Other civil business	102

PART V.—GENERAL.

Service of processes	103
Fees for inspection of records	104
Use of prescribed pattern of paper for petitions and copies	105
Circulars, &c.	106

APPENDICES.

No. 1.—Statement showing the number of judicial divisions and the number of officers exercising jurisdiction in civil cases.

No. 2.—Statement showing the number and description of civil cases instituted during the year—
Part I—Civil Suits.
Part II—Miscellaneous Cases.

No. 3.—Statement showing the number and value of suits instituted during the year.

No 4.—Statement showing the general result of the trial of civil cases—
Part I—Civil Suits.
Part II—Miscellaneous Cases.

No. 5.—Statement showing the business of the Civil Appellate Courts—
Part I.—Appeals from Decrees.
Part II.—Miscellaneous Appeals.

No. 6.—Statement showing the result of proceedings in execution of decrees.

No. 7.—Proceedings in insolvency under Chapter XX, Act X of 1877—
Part I.—Showing the number and result of applications under Section 344 and the number of insolvents before the Court.
Part II.—Showing the number of estates in the hands of receivers and the progress made in winding up.

No. 8.—Statement showing use of Assessors.

REVIEW OF HIS HONOR THE LIEUTENANT GOVERNOR OF THE PUNJAB.

No. 1870.

FROM

G. W. RIVAZ, ESQUIRE,

Registrar, Chief Court, Punjab,

To

W. M. YOUNG, ESQUIRE,

Secretary to Government, Punjab.

Dated Lahore, the 29th June 1883.

SIR,

I am directed by the Judges of the Chief Court to submit the following report on the Administration of Civil Justice in the Punjab during the year 1882.

Form of report and statements.

2. The report has been drawn up on the same plan as that submitted last year. Miscellaneous cases not of a judicial nature have been omitted on the present occasion from Part II of Statement No. 2, and Statements Nos. 3 and 6 have been amplified for reasons which are explained in the report. Otherwise, the statements which accompany this report are in the same form as those appended to the Court's report for 1881.

PART I.—ORIGINAL JURISDICTION.

A.—INSTITUTION OF SUITS.

Number of suits instituted.

3. The total number of original suits instituted in the Civil Courts of the Punjab during the year 1882 was 256,052. This total is very slightly in excess of that of the year 1880, when 256,015 suits were instituted, and exceeds by ·5 per cent. the number of institutions in 1881.

Fluctuations in the different classes of Courts.

4. The fluctuations in institutions in the various classes of Courts during the past five years are shown in the subjoined statement. It will be seen that, as compared with the previous year, the increase manifests itself chiefly in institutions in Small Cause Courts. Institutions in the ordinary District Courts were only slightly in excess of those of 1881 and were fewer by 1,774 than the institutions of 1880.

Class of Court	1878	1879	1880	1881	1882
Chief Court	2	4	2	1	1
Divisional Courts	...	...	...	4	3
District Courts of general jurisdiction ...	223,075	225,841	237,921	236,069	236,147
District Small Cause Courts	14,515	11,695	12,497	12,438	12,942
Cantonment Small Cause Courts	8,653	6,647	5,595	6,178	6,959
Total ...	246,245	244,187	256,015	254,690	256,052

Districts in which litigation increased.

5. Sixteen districts, or just half the whole number in the province, show an increase of litigation, but the increase only exceeds 10 per cent. in the four noted below :—

Sirsa	53 per cent.
Kohát	31 „
Ferozepore	21 „
Pesháwar	11 „

The increase in Sirsa is ascribed principally to the cessation of settlement operations. The average number of suits was, it appears, about 2,000 per annum before the revised settlement was commenced. The number fell to 1,440 in 1880, when the settlement operations were at their height, then increased to 1,804 in 1881, and was 2,765 last year.

Litigation in the Kohát District has almost trebled since 1879, and the local authorities are of opinion that the increase is likely to continue. The Afghan war is said by the

Deputy Commissioner to have first taught the people in wide tracts, where civil litigation was previously almost unknown, that our Courts are on the whole a less troublesome means of settling disputes than committees of neighbours. This knowledge has still to reach the more backward parts of the districts, and until it has done so Mr. Tucker anticipates that the number of suits will continue to rise year by year.

In Ferozepore the increase is principally in suits for money, for arrears of rent and the recovery of immoveable property, and is attributed by the Deputy Commissioner to creditors having taken the opportunity of a year of good harvests to recover their outstandings. But if this were the cause, we should expect to find an increase in suits by shopkeepers against agriculturists, whereas the returns show a falling-off of nearly 30 per cent. in suits of this description.

The extension of the railway to Peshâwar probably accounts for a part of the increase in that district. It will be remembered, too, that litigation fell off largely during the late war, and it was only to be expected that there would be a reaction when peace was restored. In 1881 the number of institutions was almost equal to what it had been in 1876, before the war broke out; last year, the institutions of 1876 were exceeded by 572.

Districts in which decrease was largest.

6. The four districts noted below show a decrease of suits amounting to 10 per cent.:—

Simla	...	...	...	18	per cent.
Karnâl	...	...	...	12	„
Shahpur	...	...	...	11	„
Jhang	...	...	...	10	„

No satisfactory reason has been suggested for the falling-off at Simla. In Karnâl the decrease is merely as compared with the three previous years, in which, for reasons which were pointed out at the time, institutions were exceptionally numerous, as they had been exceptionally few during the years 1877 and 1878. The number of suits instituted last year was slightly above the number of institutions in 1876, which is taken by the local authorities as the last normal year of civil litigation. General sickness is said to have checked litigation in the Shahpur and Jhang Districts.

B.—Classification of Suits.

Institutions of 1881 and 1882 classified.

7 The second statement in the Appendix gives a detailed classification of the suits instituted during the year 1882. An abstract of the statement is contained in the subjoined table, which also compares the institutions of the last two years with the disposals of the year preceding them.

Description of Suits		Disposals	Institutions	
		1880	1881	1882
I.—Suits for money or moveables.	On registered bond ...	5,806	5,023	4,132
	On unregistered bond .	90,207	88,259	86,617
	Otherwise than on bond ..	95,921	96,316	96,173
	For breach of contract not otherwise shown ..	2,393	2,594	1,671
	For rent other than of land ...	3,467	3,050	2,984
	For moveable property or value thereof ...	14,485	16,327	16,624
	For damages ..	1,705	1,398	1,291
	Total ...	213,987	212,967	209,492
II.—Rent suits and suits under the Punjab Tenancy Act.	For arrears of rent ...	6,086	5,933	7,160
	To establish or contest rights of occupancy	1,018	796	1,151
	For enhancement or abatement of rent ...	862	640	821
	Connected with ejectment ...	1,099	994	1,579
	Other suits ..	701	537	376
	Total ...	9,766	8,900	11,087
III.—Other suits ...	For immoveable property ...	17,303	19,629	21,169
	For a declaration of right ...	1,643	1,944	2,024
	For specific performance ..	304	268	214
	Relating to betrothals, marriage, divorce & dower	4,387	4,971	4,972
	For or relating to partition ..	378	258	260
	Relating to revenue ...	3,850	3,578	4,637
	Other suits	3,474	2,177	2,197
	Total ...	31,339	32,825	35,473
	Grand Total ...	255,092	254,692	256,052

Suits for money or moveables.

8. In Class I, which includes all suits of a nature cognizable by a Court of Small Causes, there is a falling-off of 1 6 per cent. as compared with the previous year, and of 2·1 per cent. as compared with the year 1880. Suits on registered bonds, which for well known causes have been steadily diminishing for some years, show a further decline of 18 per cent. In suits on unregistered bonds there is also a decline of 1 8 per cent. as compared with 1881, and of 3 9 per cent. as compared with 1880, and the variations under this head are curious. The Delhi, Hissar, Umballa, Jullundur, Amritsar and Mooltan Divisions all show fewer cases, while some of the districts of the remaining divisions, notably Lahore, Ferozepore, Rawalpindi, Dera Gházi Khan and Peshá-war, show rather considerable increases. The other heads in Class I do not call for remark.

Suits in this class were distributed between the different grades of Courts as under:—

Sadr Courts of general jurisdiction ...	... 13 per cent.
Small Cause Courts	... 10 „
Tahsíldárs' Courts	... 7 „
Náib-Tahsíldárs' Courts	... 3 „
Munsiffs' Courts	... 62 „
Honorary Courts	... 5 „

The distribution was nearly the same in the previous year.

Suits for rent and under the Punjab Tenancy Act.

9. In Class II there is a rise of 24 per cent. as compared with the previous year, and of 14 per cent. as compared with the year 1880. Suits in this class consist of suits for arrears of rent of land and suits under the Punjab Tenancy Act.

Under the former head, the figures show an increase of 1,227 cases. Suits to recover arrears of rent from tenants without rights of occupancy numbered 5,517, as against 4,558 in the previous year, and were most numerous in the Jullundur, Hoshiárpur, Rawalpindi, Umballa, Delhi, Rohtak and Siálkot Districts. Suits against tenants with occupancy rights increased from 1,375 to 1,643, the increase being most pronounced in the Gurgaon, Jullundur, Hoshiárpur, Ferozepore and Rawalpindi Districts.

The increase in cases under the Punjab Tenancy Act is also substantial. It is most marked in suits relating to occupancy rights and ejectment. Under both these heads the increase is principally due to the withdrawal of powers from the Settlement Courts in Sirsa and Rawalpindi, and in a portion of the Hoshiárpur District, and so far, therefore, merely means that last year certain cases were disposed of by the ordinary Courts which in the previous year had been disposed of by special agency. Cases of the description first mentioned, however, increased also in Gurgaon, Karnál and Jhelum; while in Delhi suits by tenants to resist ejectment rose from 123 to 251, and in Ferozepore from 209 to 269.

The annexed table shows the distribution of cases in this class during the two last years:—

	Percentage 1881.	1882.
Sadr Courts of general jurisdiction ...	29	26
Tahsíldárs' Courts }	46	44
Náib-Tahsíldárs' Courts }		3
Munsiffs' Courts	22	25
Honorary Courts	3	2

Other suits.

10 In Class III the number of suits for possession or recovery of immoveable property rose from 19,629 to 21,169 the increase exceeding 10 per cent. in the districts noted in the margin Suits for a declaration of right were rather more numerous and matrimonial suits remained nearly stationary. Suits relating to the revenue show an increase of 29 per cent, the increases being proportionally largest in Delhi, Rohtak, Umballa, Jullundur, Gurdáspur and Mooltan.

Delhi, Gurgaon, Hissar, Umballa, Ludhiána, Simla, Jullundur, Gurdáspur, Siálkot, Jhelum, Gujrat, Mooltan, Montgomery, Dera Ismail Khan and Kohát.

Suits by bankers and shopkeepers against agriculturists.

11 Suits by bankers and shopkeepers against agriculturists were both relatively and absolutely less numerous than in any year since 1876, as will be seen from the annexed table:—

Year	Number of suits	Percentage of total litigation
1876 ..	101,272	42
1877 ...	115 778	49
1878 ...	116,717	48
1879 ..	111,444	45
1880 ...	108 116	42
1881 ...	113,591	44
1882 ...	102 799	40

C.—Value of Suits.

Form of Statement No. 3 altered.

12. The third statement in the Appendix shows the value of the suits instituted last year. The statement has on the present occasion been amplified, as it was found that the former division into suits relating to land assessed or subject to assessment and other suits was insufficient for administrative purposes.

Value of suits instituted in 1881 and 1882.

13. The total value of the suits instituted during the year 1882 is returned as Rs. 1,61,46,560, having been Rs. 1,64,26,172 in the previous year. The falling-off is in suits classed above as other suits. The suits in this class which could be valued in money numbered 225,833 in 1881 and were of an average value of Rs. 65; in the year under report the number rose to 226,120, but the average value fell to Rs. 62. In the earlier year the average was raised by six suits, each exceeding a lakh in value, while last year there was no suit unconnected with revenue-paying land of so high a value as Rs. 1,00,000. Suits relating to assessed or assessable land on which a money valuation could be placed were more numerous by 242 than in the preceding year and were of higher value, the average of value being Rs. 82 in the past, and Rs 75 in the previous, year. The most important suit in this class was one in the Dera Ismail Khan District in which the property in dispute was valued at Rs. 1,83,000.

Further particulars of value.

14. The following table gives further particulars of the value of the suits instituted last year :—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Number of suits instituted												Aggregate value	
	Not exceeding Rs. 50.		*Between Rs 50 & Rs. 100*		*Between Rs 100 & Rs. 300*		*Between Rs. 300 & Rs. 500*		*Between Rs. 500 & Rs. 10,000*		*Exceeding Rs. 10,000*			
Description of suit	In Small Cause Courts and Honorary Courts	In other Courts	In Small Cause Courts and Honorary Courts	In other Courts	In Small Cause Courts and Honorary Courts	In other Courts	In Small Cause Courts and Honorary Courts	In other Courts	In Small Cause Courts and Honorary Courts	In other Courts	In Small Cause Courts and Honorary Courts	In other Courts	In Small Cause Courts and Honorary Courts	In other Courts
													Rs.	Rs.
For money or moveable property	23,561	129,425	3,507	29,373	1,927	16,982	723	1,993	2	1,958	...	31	11,75,906	1,10,90,327
For rights in land assessed or subject to assessment	411	16,725	92	4,078	56	2,671	1	595	1	466	...	3	21,140	20,32,769
For rights in other immoveable property ...	162	4,907	28	1,51[illegible]	19	1,140	5	407	1	279	..	7	11,369	10,52,196
Other suits ..	287	5,210	27	1.170	28	1,048	2	216	...	150	.	3	13,835	7,49,618
Total ...	24,421	156,267	3,654	36,163	2,030	21,841	731	3,211	4	2,853	...	44	12,21,650	1,49,24,910

Suits incapable of valuation have been excluded from this table, and those having a money value have been placed in separate columns according as they were instituted in Courts of specially restricted jurisdiction, such as Small Cause Courts and Honorary Courts, or in the ordinary Courts of general jurisdiction. Institutions in Small Cause Courts and Honorary Courts need not be further remarked on, as they are regulated by definite rules which it would be inconvenient to disturb. The distribution of civil business in other Courts depends on a variety of circumstances which may, and do, alter from time to time. It may, therefore, be useful to show what Courts might have taken up these suits, and to compare the figures thus obtained with the distribution which actually took place.

How suits in Courts of ordinary jurisdiction might have been distributed between Courts graded as in the Punjab and actual distribution.

15. The figures in the table show that 70 per cent. of the suits instituted in the Courts of ordinary jurisdiction did not exceed Rs. 50 in value and were therefore cognizable by the lowest grade of Civil Court, that is, the Court of a Tahsildár with ordinary powers; that 16 per cent. more did not exceed Rs. 100 in value and were therefore within the jurisdiction of the next lowest grade of Court, that of an Assistant Commissioner with ordinary powers; and that 9 per cent. more, or 211,600 cases in all, were in suits relating to land assessed or subject to assessment rated for stamp duty as not exceeding Rs. 100 in value, and in other suits did not exceed Rs. 300 of actual or declared value, and were therefore, with some not very numerous exceptions, suitable for disposal by Courts

exercising the powers ordinarily conferred on Tahsíldárs and Munsiffs. Of the remaining suits, 2,616 (excluding suits relating to agricultural land of the description given above) were between the values of Rs. 300 and Rs. 500 and were therefore within the powers of Assistant Commissioners and Extra Assistant Commissioners with special powers; 6,119 more, including all suits connected with assessed or assessable land of a higher nominal value than Rs. 100, were cognizable by officers exercising the full civil powers of an Assistant Commissioner, and 44 only were triable exclusively by the Deputy Commissioner, or in districts where there was a Judicial Assistant, the Judicial Assistant.

It will be noticed that in the above calculations the stamp valuation has not been followed in apportioning suits relating to agricultural land to the different grades of Courts. The reason for this is that, as was pointed out in a recent letter on the subject of the valuation of suits for purposes of jurisdiction, the average market value of revenue-paying land in this province is about 30 times the annual revenue, that is, six times the stamp value. Having regard to this fact, and in order to prevent Courts with subordinate powers dealing with interests which are really beyond the limits of their pecuniary jurisdiction, a departmental rule has for some years been in force that all suits relating to revenue-paying land of a higher stamp value than Rs. 100 shall, as far as possible, be taken up by officers with full civil powers. This rule has been applied in the foregoing allotment of cases.

In addition to the suits of which the money value could be determined, 4,792 suits which could not be valued have to be taken into account. These, according to the returns, consisted of 1,605 suits relating to land assessed or subject to assessment, 682 suits relating to other immoveable property, and 2,505 suits of other descriptions. The suits first mentioned were probably for the most part suits to establish or contest rights of occupancy and suitable for trial by Tahsíldárs. Many of the suits relating to other kinds of immoveable property were also probably suitable for trial by Tahsíldárs and Munsiffs. Suits of other descriptions to which a money value cannot be given are usually important, or difficult to determine, and often both important and intricate; the 2,505 suits returned under this head may therefore be added to those allotted to the Courts with superior powers.

Thus, speaking generally, there were instituted last year in the Courts of general jurisdiction in the province 213,887 suits which, with some few exceptions, were suitable for disposal by Tahsíldárs and Munsiffs and Assistant and Extra Assistant Commissioners with ordinary powers. Statement No. 3 in the Appendix shows that only 174,617 suits were in point of fact taken up by Tahsíldárs, Náib-Tahsíldárs and Munsiffs, and that, excluding a not large number disposed of by Assistant Commissioners and Extra Assistant Commissioners with ordinary powers, the remainder were taken up by superior officers to the detriment, it must be added, of their magisterial and other duties. The necessity of increasing the present number of subordinate Civil Courts in the Punjab has been recognized by the Local Government and the Government of India, and it is with great satisfaction that the Judges have learnt, while this report has been passing through the press, that the appointment of 10 more Munsiffs has been definitely sanctioned.

How the distribution would have been affected by a recent proposal to alter the constitution of certain Courts.

16. It has been shown above how the suits instituted last year were distributed between the different grades of Courts, and how they might have been distributed under the present constitution of Civil Courts in the Punjab, had it been possible in land suits to fully carry out the directions of this Court, and in other suits to observe the rule of procedure obtaining in other provinces that suits shall ordinarily be instituted in the Court of lowest grade competent to try them. A proposal has, however, been recently put forward to extend the pecuniary jurisdiction of Munsiffs, and when necessary Tahsíldárs, to all suits not exceeding Rs. 500 in amount or value, and to reduce the limit of pecuniary jurisdiction of the Court of an Assistant Commissioner with full powers from Rs. 10,000 to Rs. 5,000. The proposal further contemplates that Munsiffs shall be principally employed in trying suits of the nature of small causes, that Tahsíldárs shall take up rent and tenancy suits and suits relating to the revenue as Revenue Courts, and the less important suits relating to land and other immoveable property as Civil Courts, and that suits of other descriptions shall be ordinarily tried by the Superior Courts at head-quarters. Had such a system been in force last year, there would have been, in round numbers, some 180,000 small causes suitable for trial by Munsiffs, Assistant Commissioners and Extra Assistant Commissioners in training; about 30,000 suits which could have been conveniently disposed of by Tahsíldárs; and some 15,200 suits, of which about 200 would have been triable exclusively by a principal Court of original jurisdiction, would have remained for disposal by Superior Courts. The work, no doubt, could not have been arranged exactly in this way, if the jurisdiction of the Courts had been as above described, but the extension of the pecuniary jurisdiction of Munsiffs and Tahsíldárs would greatly facilitate the distribution of civil business, especially in districts of large area and sparse population, while the restriction of the jurisdiction of Assistant Commissioners and Extra Assistant Commissioners with full powers to suits not exceed-

ing Rs. 5,000 in amount or value would ensure all suits of a higher value being tried in this, as in other provinces, by Courts exercising the powers of a principal Civil Court of original jurisdiction.

Value and cost of suits disposed of during 1882.

17. The foregoing paragraphs have dealt with the value of the suits *instituted* during the year under report. The annexed statement shows the value of the suits *disposed* of last year, and gives the usual particulars regarding the cost of conducting litigation in Courts of original jurisdiction. Readmitted and transferred cases have been excluded as in former years.

VALUATION OF SUITS	Number of suits				Aggregate value of suits				Aggregate cost of suits			
	For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits	For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits	For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits
					Rs.	Rs.	Rs	Rs	Rs	Rs.	Rs.	Rs.
Not exceeding Rs. 10	53,729	7,390	1,800	2,110	3,32,901	44,173	12,347	11,573	65,459	13,765	3,403	2,814
Do. „ 50	100,834	9,431	3,900	3,195	27,31,810	2,34,871	1,06,649	90,590	3,03,717	36,026	15,889	11,282
Do. „ 100	33,116	4,001	1,462	1,248	22,60,302	2,77,122	1,03,420	97,627	2,18,257	33,088	13,326	11,553
Do. „ 300	19,763	2,773	971	1,033	31,47,679	4,65,022	1,66,169	1,85,375	3,00,343	48,540	18,738	18,885
Do. „ 500	2,767	618	316	198	10,43,592	2,27,282	1,21,922	76,511	1,00,885	26,346	12,600	7,691
Do. „ 1,000	1,291	301	148	70	9,03,355	2,13,422	1,07,369	50,964	89,484	21,817	10,560	5,628
Do. „ 5,000	659	153	74	35	12,48,399	2,61,896	1,31,849	80,402	1,10,822	28,346	12,337	8,210
Do. „ 10,000	49	4	2	3	3,39,379	26,224	13,400	22,547	25,662	1,557	786	1,321
Do. „ 1,00,000	26	2	9	2	5,35,912	27,100	2,71,898	61,000	26,677	1,679	13,198	1,714
Exceeding „ 1,00,000	1	1	.	.	2,00,000	1,83,067	.		2,767	1,922	..	...
Total ..	212,265	24,674	8,682	7,894	1,27,43,359	19,60,279	10,35,023	6,76,585	12,44,073	2,13,086	1,00,837	63,098
Suits of which the value cannot be fixed	...	1,455	771	2,573	...	.	.	..	...	21,284	11,719	26,389
GRAND TOTAL ..	212,265	26,129	9,453	10,467	1,27,43,359	19,60,279	10,35,023	6,76,585	12,44,073	2,34,350	1,12,556	93,487

VALUATION OF SUITS	Average value of suits				Average cost of suits				Percentage of cost to value			
	For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits	For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits	For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits
	Rs. A P	Rs. A. P.	Rs. A P	Rs A. P.	Rs A P	Rs. A. P.	Rs. A. P.	Rs. A. P.				
Not exceeding Rs. 10	6 3 2	5 15 7	6 13 9	5 7 1	1 3 6	1 13 3	1 14 3	1 5 4	20	31	27	24
Do. „ 50	27 1 6	24 14 6	27 5 6	28 5 8	3 6 2	3 13 1	4 1 2	3 8 6	11	15	15	12
Do. „ 100	68 4 1	69 4 2	70 11 10	78 3 7	6 9 5	8 4 4	9 1 10	9 4 1	9	12	13	12
Do. „ 300	159 4 4	167 11 2	171 2 1	179 7 3	15 3 2	17 8 1	19 4 9	18 4 6	10	10	11	10
Do. „ 500	377 2 6	367 12 2	385 13 3	386 5 1	38 6 10	42 10 1	39 13 11	38 13 6	10	11	10	10
Do. „ 1,000	699 11 8	709 0 8	725 7 5	728 0 1	69 5 0	72 7 8	71 5 7	80 1 10	9	10	10	11
Do. „ 5,000	1,894 6 2	1,711 11 10	1,781 9 2	2,154 5 6	168 2 8	186 4 3	166 0 5	234 9 2	9	11	9	10
Do. „ 10,000	6,926 1 7	6,581 0 0	6,700 0 0	7,515 10 8	523 11 5	389 4 0	393 6 0	440 5 4	7	6	6	6
Do. „ 1,00,000	20,535 7 4	13,550 0 0	30,210 14 3	30,500 0 0	1,025 4 3	839 8 0	1,465 5 5	857 0 0	5	6	5	3
Exceeding „ 1,00,000	2,00,000 0 0	1,83,067 0 0	..	..	2,767 0 0	1,922 0 0	.. .	...	1	1	0	0
Total ..	60 0 8	79 7 1	119 1 7	85 11 4	5 13 9	8 10 2	11 11 8	8 12 6	10	11	10	10
Suits of which the value cannot be fixed	...	.	... .	.. .	... .	14 9 10	15 3 2	10 4 1	..	..	..	...
GRAND TOTAL ..	..	.	...		5 13 9	8 13 6	11 14 6	9 1 11	.		.	..

Taking the classification of former years, which, as has been already pointed out, merely distinguished between suits relating to assessed or assessable land and suits of other descriptions, the statement shows that under the first head 24,674 suits were decided which could be valued in money, and 1,455 to which a money value could not be given. The average value of the suits of determinate money value was Rs. 79, and each case entailed an average expenditure of Rs. 8-10-2 in costs; whereas in the previous year the average value was Rs. 74 and the average cost of each suit Rs. 8-7-2. Suits in this class to which a money value could not be assigned were more expensive to the litigants in both years, the average cost being Rs. 15-13-1 in 1881 and Rs. 14-9-10 last year. Under the second head, 225,692 suits of an average value of Rs. 63 were decided in 1881, and 228,811, also of an average value of Rs. 63, last year, the average cost of each suit being Rs. 5-15-7 in 1881 and Rs. 6-2-10 in 1882. In the earlier year 2,792 suits of this class were decided which could not be valued, at an average cost to the litigants of Rs. 11-8-1. The corresponding figures for last year were 3,344 suits, costing on an average Rs. 11-6-4.

Taking the more analytical classification which has been adopted in the present returns, the average value and cost, and percentage of cost to value, in each class of suits stand thus :—

Description of suits	Average value	Average cost	Percentage of cost to value
1	2	3	4
	Rs. A. P.	Rs. A. P.	
For money or moveable property ...	60 0 8	5 13 9	10
For rights in land assessed or subject to assessment.	79 7 1	8 15 6	11
For rights in other immoveable property	119 1 7	11 14 6	10
Other suits	85 11 4	9 1 11	10

In this table suits which could not be valued have been excluded from column 2, included in column 3 and excluded from column 4. The average value of suits for rights in land assessed or subject to assessment has been calculated on the stamp valuation, and is therefore very far below the real average value of such suits. The returns do not show how many of the suits under this head were for actual possession of revenue-paying land or to enforce rights of pre-emption in respect of such land, but a comparison of the figures in Statement No. 2 in the Appendix shows that at least half of the suits must have been of this nature. It should further be borne in mind that in many other suits, *e.g.*, suits for arrears of rent, in which the value of the ostensible matter in litigation is small, questions of title are raised which are of the utmost importance to the parties concerned. In the same way, in suits for rights in other kinds of immoveable property and in the suits classed as other suits, the subject-matter is very frequently undervalued for purposes of stamp duty or has for the parties concerned a far higher value than the ordinary market value. This will explain why the apparent ratio of cost to value is so high in suits of these classes in which the pecuniary value, as shown in the returns,* is exceedingly small, and will also explain how it happens that, as will be brought to notice hereafter, so many cases of these classes, and especially land cases, are fought on through every Court before which they can be brought, whereas suits for money would seem to be far less frequently carried beyond the first Court of appeal, and are very seldom appealed to the Chief Court.

D.—Disposal of original suits.

General results shown in Statement No. IV.

18. Statement No. 4 in the Appendix shows the general result of the original civil litigation of the year 1882.

Part I of the statement deals with original suits and shows that 5 suits, all under the Indian Divorce Act, came before the Chief Court and the Courts of Commissioners, and 285,699 suits before District Courts.

Suits for disposal, disposed of, and pending.

19. The total number of original suits for disposal, disposed of, and pending in District Courts during the past two years is shown below:—

Year	For disposal	Disposed of	Pending
1881 ...	261,958	264,291	17,667
1882 ...	285,699	269,773	15,926
Difference ...	+3 741	+5,482	−1,741

The increase in the number of cases for disposal is due to the opening file having been heavier by 1,268 cases in 1882 than in 1881, to an increase of 1,363 in the number of institutions, and to more cases having been readmitted and received on remand than in the previous year. Notwithstanding the larger number of cases for disposal, the proportion disposed of rose from 93·7 per cent. to 94·4 per cent., the result being a decrease of nearly 10 per cent. in the number of cases pending at the end of the year.

* Vide table on page 7.

The mode of disposal was as follows in both years:—

Without trial	19	per cent.
Without contest	48	"
On reference to arbitration	1	"
After contest { for plaintiff	23	"
After contest { for defendant	9	"

20. In the subjoined statement further particulars are given regarding the manner in which suits were disposed of in each district during the past two years:—

Details of disposal given for each district.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	Percentage of Cases																		Average Duration			
District	Dismissed on default		Withdrawn with leave, Section 373, Civil Procedure Code		Compromised		Decreed on confession		Decided *ex-parte*		Referred to arbitration		Contested and decided in favor of plaintiff		Contested and decided in favor of defendant		Percentage of contested cases decided in favor of plaintiff to the number contested		In contested cases		In uncontested cases	
	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882
Delhi ...	9	9	0·7	0·9	27	23	20	20	7	7	1	1	24	27	10	12	71	71	28	29	16	18
Gurgaon ...	20	19	1	1	30	31	18	16	7	7	1	1	15	14	7	9	69	62	24	24	15	14
Karnál ...	22	19	0·3	1	27	22	18	18	8	8	2	1	15	16	7	12	67	58	33	32	22	21
Hissar ...	13	15	1	1	35	34	20	19	10	9	2	2	10	10	9	9	53	55	22	23	14	14
Rohtak ...	12	10	1	0·6	23	30	28	23	5	4	1	0·5	20	21	9	9	68	69	37	35	22	20
Sirsa ...	18	19	2	1	19	16	17	18	9	9	2	1	18	19	14	16	55	55	29	39	18	27
Umballa ...	14	15	1	1	35	37	11	10	8	8	1	0·9	21	18	9	10	70	65	26	29	17	18
Ludhiána ...	14	12	1	0·8	24	32	20	15	4	5	1	1	22	22	13	12	64	65	32	33	18	18
Simla ...	11	12	3	2	11	10	18	18	28	23	2	1	20	25	7	8	72	75	23	21	19	20
Jullundur ...	17	17	0·6	1	21	20	22	21	10	10	1	1	21	22	7	7	77	75	36	35	20	19
Hoshiárpur	21	22	0·1	0·2	17	19	23	21	8	8	1	0·7	22	22	7	7	75	75	33	37	22	21
Kángra ...	16	16	0·6	0·2	17	18	19	17	7	6	1	1	29	28	10	12	73	71	25	27	18	17
Amritsar ...	22	23	1	0·7	17	19	22	21	10	8	1	0·7	19	19	8	8	72	72	36	49	23	24
Gurdáspur	19	17	0·2	0·4	21	23	19	21	8	7	2	1	22	22	8	8	73	74	38	37	25	25
Siálkot ...	18	17	0·4	0·9	18	15	17	19	9	8	1	1	28	30	8	9	77	78	27	29	23	19
Lahore ...	15	15	0·5	0·6	18	22	23	21	11	10	1	1	24	22	7	7	77	76	23	23	15	15
Gujránwála	22	23	0·7	0·2	20	21	20	19	11	12	1	1	17	15	8	7	68	67	36	35	22	23
Ferozepore	17	17	0·7	0·7	16	19	20	16	8	10	1	0·9	24	24	12	11	66	68	28	32	18	19
Rawalpindi ...	20	18	1	0·8	20	16	11	18	11	13	1	2	25	22	11	10	69	69	31	34	23	22
Jhelum ...	19	18	2	1·9	20	19	16	13	7	8	2	2	21	21	12	16	64	59	32	30	21	22
Gujrat ...	19	18	0·6	0·7	17	29	23	13	7	8	2	1	22	20	9	10	69	69	29	33	18	24
Shahpur ...	17	22	1	0·7	24	18	20	18	12	14	2	3	17	17	7	7	71	72	41	40	23	27
Mooltan ...	24	28	0·5	0·9	15	13	23	20	8	12	1	2	18	16	9	8	66	67	40	53	20	24
Jhang ...	20	20	0·5	0·4	32	34	8	10	15	13	1	1	14	13	9	7	63	65	46	42	29	26
Montgomery	13	14	1	0·5	31	35	11	10	14	13	1	1	23	18	6	8	78	71	29	34	18	21
Muzaffargarh	21	29	1	0·8	27	23	20	19	6	7	2	0·8	18	15	5	5	77	78	37	51	22	32
D. I. Khan ...	12	11	5	3	30	34	6	11	11	11	2	2	25	20	8	7	75	75	21	23	18	17
D. G. Khan	12	16	0·3	2	27	22	18	16	8	9	2	1	26	28	6	6	82	83	22	25	13	17
Bannu ...	16	13	2	0·7	19	23	10	9	10	11	4	3	26	26	13	13	66	67	50	36	45	29
Peshawar ...	15	17	3	1	13	15	12	12	10	9	3	2	27	29	17	14	62	68	22	31	17	24
Hazára ...	19	15	0·5	0·7	15	13	16	12	4	5	2	2	33	33	10	18	77	65	11	14	13	12
Kohát ...	15	15	4	0·3	14	15	21	21	11	11	3	2	25	26	7	9	79	75	26	29	24	21
Total ...	18	18	0·9	1	21	21	18	18	9	9	1·3	1	22	22	9	9	72	71	29	33	21	21

Dismissals on default.

21. The proportion of cases dismissed on default was 18 per cent. as in 1881, and the ratio of applications to set aside orders of dismissal on default to the number of dismissals was 23 per cent. as compared with 21 per cent. in the previous year. Of the applications made last year, 74 per cent. were granted, the proportion having been 77 per cent. in 1881. In 2,789 cases the application was refused, and 367 fresh suits were brought in respect of claims dismissed for default.

The proportion of cases dismissed on default was highest (29 per cent.) in the Muzaffargarh District, was 28 per cent. in Mooltan, and exceeded 20 per cent. in the Hoshiárpur, Amritsar, Gujránwála and Shahpur Districts. The percentages were nearly the same in the Hoshiárpur, Amritsar and Gujránwála Districts in 1881, but in Muzaffargarh and Shahpur the proportion rose 5 per cent., prevalence of sickness being given in both cases as the cause, and in Mooltan, where the advance is not noticed, 4 per cent. In Delhi the proportion was, as in the preceding year, only 9 per cent., and it was 10 per cent. only in Rohtak.

Kohát	41	per cent.
Ludhiána	37	„
Bannu	37	„
Jhelum	36	„
D.I Khan	35	„
Hazára	35	„

Applications for restoration to the file were relatively most numerous in the districts noted in the margin, and were freely granted in all these districts except Jhelum. In Jhelum 44 per cent. of the applications were refused, the other districts in which the proportion of rejections was high being Hoshiárpur and Gurdáspur (38 per cent.), Sirsa (36 per cent.) and Amritsar (34 per cent.)

Cases withdrawn, compromised and confessed.

22. The proportions of suits withdrawn with leave to institute fresh proceedings, compromised and confessed were exactly the same in both years. The figures entered under the first two heads for 1881 differ somewhat from those published with the Civil Report for that year. The figures originally submitted from some districts seemed to show that either the scope of Section 373 of the Civil Procedure Code was misunderstood or that the returns had been incorrectly compiled. The enquiries which were made on the subject brought to light a considerable number of statistical errors, which have been corrected, and also showed that the section was improperly applied by some Courts. To these Courts the intention of the section was explained, and the percentage of cases disposed of thereunder is now only remarkable in the Dera Ismail Khan and Dera Gházi Khan Districts.

Ex-parte decisions.

23. Last year, as in the previous year, 9 per cent. of the disposals were *ex-parte*. In both years the percentage was highest in Simla, though it fell last year to 23 from 28 in 1881. In Jhang the percentage fell from 15 to 13 and in Montgomery from 14 to 13, while in Mooltan it rose from 8 to 12, in Shahpur from 12 to 14, and in Rawalpindi from 11 to 13.

Applications were made to set aside 12 per cent. of the decrees passed *ex-parte*, and of these applications 66 per cent. succeeded. In the previous year the ratio of applications to *ex-parte* decrees was 10 per cent, and 70 per cent. of the applications succeeded. Last year, applications to set aside *ex-parte* decrees were relatively most numerous in the Siálkot, Hazára, Ludhiána, Amritsar and Ferozepore Districts, and relatively fewest in Simla, Mooltan, Dera Gházi Khan, Delhi, Sirsa and Muzaffargarh. Applications were most frequently refused in Jullundur, Hoshiárpur, Gurdáspur, Siálkot, Lahore and Jhelum.

References to arbitration.

24. References to arbitration numbered 3,809 during the year under report, as compared with 3,964 references in the preceding year. Awards were filed in 3,623 cases, with the result that in 3,586 cases judgment was given according to the award and in 37 cases the award was set aside, 193 references being still under disposal at the end of the year.

The proportion of cases disposed of by arbitrators was highest in Bannu, where the proportion is always high in consequence of references to the "Shariat" being included, and in Shahpur, being in both districts 3 per cent.

Contested cases.

25. Contested cases, not including those referred to arbitration, formed 32 per cent. of the whole number decided last year, as in the previous year. The following are the districts in which the proportion was highest:—

Hazára	51	per cent.
Pesháwar	43	„
Kángra	40	„
Delhi, Siálkot, Bannu	39	„
Jhelum	37	„

These districts, excepting Delhi and Jhelum, were similarly remarkable in 1881, though the Hazára percentage is far higher than that of any district in the earlier year In Delhi

the percentage rose from 34 to 39 and in Jhelum from 33 to 37. The percentage of contested cases was lowest in—

Hissar	19 per cent.
Jhang	20 „
Muzaffargarh	
Gujránwála	22 „

Columns 18 and 19 of the table show for the two past years the percentage of contested cases won by plaintiffs in the different districts. It will be seen that last year plaintiffs succeeded best in Dera Gházi Khan, Siálkot and Muzaffargarh, and were least successful in Hissar, Rohtak, Karnál and Delhi.

Applications for review of judgment.

26. During the year under report, 2,456 applications for review of judgment were presented to District Courts, as compared with 2,507 in the preceding year. The result of these applications is compared with those of the previous year below :—

Year	Rejected	Granted		Pending at the end of the year
		Former order upheld	Former order reversed or modified	
1881	1,050	583	663	211
1882	1,019	570	671	196

It will be noticed that the proportion of cases in which the former order was reversed or modified was slightly higher in 1882 than in 1881.

Commissions.

27. The following table gives information regarding the number of commissions issued by Civil Courts during the past and previous year.

Year	For local investigation			For examination of accounts		
	To a revenue official	To any other person	Total	To a revenue official	To any other person	Total
1881	1,019	2,578	3,597	145	2,028	2,173
1882	1,125	2,738	3,863	163	2,201	2,364

The figures for last year are slightly higher under all heads. Commissions for local investigation were relatively most numerous in the Hoshiárpur, Amritsar, Ludhiána and Jullundur Districts. The number of commissions of this nature issued to revenue officials is larger than it should be. It was discovered from enquiries which were made during the year that the rule that no revenue official is to be employed as a commissioner without the previously obtained consent of the Deputy Commissioner was very imperfectly observed in some districts. Orders were issued to correct this, and it is hoped that it will be found that the rule has been better observed when the returns for the current year come under review. The figures relating to commissions for the examination of accounts do not call for special remark.

Information has been furnished on the present occasion, for the first time, regarding the average cost of the commissions issued by Civil Courts. The mean cost of the commissions issued under Section 392 was Rs. 4-2-6 for the province, the averages of districts ranging from 6½ annas in Hissar to Rs. 9 in Amritsar. Commissions under Section 394 added on the average Rs. 4-2-3 to the costs of the suits in which they were issued. Here too the average was lowest (12 annas) in Hissar. The Amritsar return shows an average of Rs. 34, which the local authorities have been asked to explain. After Amritsar the highest average was Rs. 7-8-0 in Ludhiána.

The local reports show generally that the action of the subordinate Courts in issuing commissions is being carefully watched and that efforts are being made to check the issue of unnecessary commissions and to insist on properly qualified persons being appointed in cases in which the issue of a commission is really desirable. The columns which were added to the quarterly statements in 1881 allow Deputy Commissioners to see at a glance what Courts issue commissions most freely and thus enable them to control their subordinates in the matter much more easily than was before possible.

Orders attaching property before judgment.

28. There is a satisfactory decrease in orders attaching property before judgment, the number having fallen from 1,189 to 950. In the Rawalpindi District, where orders of this nature were again most numerous, the Commissioner has made the matter the subject of special enquiry and orders. Compensation for improper attachments was awarded in 8 cases in the Delhi, Karnál, Hoshiárpur and Lahore Districts.

Decrees bearing interest.

29. During the year under report, 3,865 decrees bearing interest were passed, 3,295 by consent, and 570 on the application of the plaintiff. The corresponding figures in 1881 were 3,610 decrees passed by consent and 683 which were not assented to. The action of the Courts in allowing interest after the date of the decree is carefully noticed in reviewing quarterly statements and enquiry made in cases in which there is reason to apprehend that the power has been misused.

Pending file.

30. It has been already mentioned that 15,926 cases were pending at the end of last year. Of these, 347 are shown as pending under Section 99 A of the Code and 15,579 as pending otherwise. The districts in which the pending files were heaviest in proportion to the amount of business for disposal were Hoshiárpur, Delhi, Gujrat, Gurdáspur and Pesháwar.

Cases pending over 3 months.

31. At the end of 1881 there were 673 cases which had been pending for more than three months, and at the end of last year the number was 561. Of these, 94 were pending in the Rawalpindi District, 89 in Amritsar, and 80 in Delhi.

Cases pending over a year and oldest pending cases.

32. Four cases had been pending for more than a year at the close of 1882. The oldest of these was instituted on the 2nd August 1880 in the Court of the Deputy Commissioner of Amritsar. The particulars of the case have not been given, but it is explained that 40 witnesses had to be examined and that their attendance was procured with difficulty. The case was disposed of early in the current year. The other three cases were instituted on 1st June, 18th October and 22nd December 1881, respectively, in the Mooltan, Jhang and Delhi Districts.

Average duration of cases.

33. The average duration of contested cases has risen from 29 to 33 days, that of uncontested cases being the same as in the previous year, *viz.*, 21 days.

In contested cases the average was highest in Mooltan (53 days), Muzaffargarh (51 days), Amritsar (49 days), and Shahpur (40 days). In uncontested cases the highest averages were 32 days in Muzaffargarh, 29 days in Bannu, and 27 days in Sirsa and Shahpur. The high average of contested cases in the Mooltan District is ascribed to the district staff being not strong, regard being had to the large amount of revenue work in the district, and the high averages of the Muzaffargarh District to the same cause, combined with floods and sickness. The long duration of cases in Amritsar is said by the Deputy Commissioner to be greatly due to constant changes of officers, while for the Shahpur District, where the staff was certainly not weak, the Deputy Commissioner merely points out that the average was one day lower in contested cases and three days higher in uncontested cases than in the previous year. Probably, however, the general sickness which is said to have affected the number of institutions also prolonged the duration of the cases which were brought. The Deputy Commissioner of Bannu explains that cases were disposed of in that district much more promptly than in the preceding year, but that the averages (36 days in contested cases and in uncontested cases as shown above) are still too high. The Extra Assistant Commissioner at Fázilka seems to be responsible for the high average of uncontested cases in the Sirsa District.

The average duration in the different classes of Courts is given for the past and previous year below :—

		Contested		*Uncontested*	
		1881	1882	1881	1882
Deputy Commissioners' Courts	...	91	63	53	85
Judicial Assistants' Courts	...	60	67	38	42
Assistant and Extra Assistant Commissioners' Courts	...	41	42	28	28
District Small Cause Courts	...	22	23	20	22
Cantonment Small Cause Courts	...	23	19	18	12
Tahsíldárs' Courts	...	30	...	...	20
		28	...	18	...
Náib-Tahsíldárs' Courts	...	22	...	...	13
Munsiffs' Courts	...	22	28	16	20
Honorary Civil Judges' Courts	...	28	26	20	18

Average number of attendances.

34. The average number of attendances required for the disposal of a suit in a District Court was 3, as in the four previous years. This number was exceeded in the Gurdáspur, Rawalpindi and Pesháwar Districts, 4 attendances having been required on the average in the two districts first named, and 5 in Pesháwar. The Deputy Commissioner of Gurdáspur reports that adjournments were often unnecessarily granted and that the matter is receiving his attention.

Plaints rejected or returned.

35. The number of plaints which were rejected or returned, before and after registration, is given for the last two years below :—

		Before registration	*After registration*
1881	...	5,685	1,225
1882	...	6,036	1,261
Difference		+ 351	+ 36

It will be seen that there was a slight increase under both heads. Plaints were most freely rejected after registration in the Gurgaon, Karnál and Jhelum Districts.

E.—Agency employed in Districts.

Distribution of original business in districts.

36. The subjoined statement shows in detail how the suits which were decided last year by District Courts were distributed and compares the distribution with that of the two previous years :—

Number of Officers			*Grade of Officers*	*Original suits decided*						*Average number of cases decided by officers of each grade*		
				Number			Percentage					
1880	1881	1882		1880	1881	1882	1880	1881	1882	1880	1881	1882
32	32	32	Deputy Commissioners	106	177	229	...	0·1	0·1	3	5	7
13	14	14	Judicial Assistants ... Europeans	1,887	1,867	1,458	0·7	0·7	0·5	145	133	104
9	8	9	Judicial Assistants ... Natives ...	3 462	3,146	3,950	1·3	1·2	1 5	385	393	439
30	28	24	Assistant Commissioners	8,120	6,283	6,620	3·1	2·4	2·5	271	224	276
15	11	16	Extra Asst. Commissioners Europeans	3,696	3,198	3,223	1·4	1·2	1·2	246	291	201
68	68	66	Extra Asst. Commissioners Natives ..	30,360	33,353	33,349	11·5	12·6	12·3	446	490	505
122	122	123	Tahsíldárs	30,489	30,205	31.839	11·6	11·4	11·8	250	248	259
31	25	24	Náib-Tahsíldárs	5,727	5,786	5,355	2·2	2 2	2·0	185	231	223
74	74	74	Munsiffs	149,805	150,459	151,588	56·8	56·9	56·2	2,024	2,033	2,048
44	43	50	Honorary Civil Judges	12,200	11,019	11,613	4 6	4 1	4 3	277	256	232
4	4	4	Judges of District Small Cause Courts ...	12,467	12,587	13,426	4 7	4·8	5 0	3,117	3,147	3,357
8	9	8	Judges of Cantonment Small Cause Courts	5,556	6,211	7,123	2·1	2·4	2 6	694	690	890
			Total ...	263,875	264,291	269,773						

Disposals by Sadr Courts of general jurisdiction.

37. The statement shows that the number of cases disposed of at the head-quarters of districts was somewhat larger than in either of the two previous years, the figures for each year being, respectively, 47,631, 48,024 and 48,829.

The Judicial Assistants who disposed of most original cases were Rái Bakhtáwar Lál at Rohtak, Pandit Bihári Lál at Dera Gházi Khan and Rái Gopál Dás at Gujránwála. The amount of original work, however, which a Judicial Assistant can dispose of necessarily depends to a great extent on the amount of appellate work which devolves on him. The appellate work at Rohtak and Dera Gházi Khan is exceptionally light, but Gujránwála stands high among the districts of the province as regards civil appellate business, and Rái Gopál Dás deserves credit for having disposed of a considerable number of original cases in addition to 666 civil appeals and 294 criminal cases.

Among Assistant Commissioners, Lieutenant Leigh, Assistant Commissioner of Hazára, disposed of most civil work during the year, deciding 411 contested and 135 uncontested cases, in addition to a large amount of criminal business. The Extra Assistant Commissioners who disposed of most civil business were Sardár Yár Muhammad Khán at Jullundur, Mír Ghazanfar Ali at Ferozepore, Sardár Alamgir at Hoshiárpur and Syad Anwar Ali at Delhi.

Disposals by Tahsíldárs.

38. The average number of cases disposed of by Tahsíldárs was slightly higher than in either of the two previous years, but was well within the prescribed limit of 330 cases per annum. It was only in the following Courts that the prescribed number was exceeded by more than a very few cases:—

Kaithal	...	395 cases	Sanawan	...	422 cases
Hamirpur	...	402 „	Sanghar	...	500 „
Pindigheb	...	442 „	Lakki	...	390 „
Murree	...	433 „	Mardán	...	410 „

Only 65 of the cases disposed of by the Tahsíldár of Kaithal were contested and his criminal work was very light. The Tahsíldárs of Hamirpur and Sanghar are for special reasons permitted to take up more than the usual number of cases, and the latter officer only disposed of 41 criminal cases during the year. The Tahsíldár of Pindigheb by mistake took up all the civil work of his tahsíl which was within his powers for some little time after the departure of the Munsiff for Murree. The mistake was corrected by the Deputy Commissioner as soon as it was discovered. The Commissioner of Rawalpindi was specially addressed last year regarding the judicial work of the Tahsíldár of Murree. Mr. Perkins has reported that, owing to the pendency of the settlement, there is no work for the Tahsíldár to do save in the Judicial Department and some little administrative work, and that the amount of judicial work which devolves on him under the present arrangements, under which he is not given the assistance of a Munsiff until quite late in the summer, is not excessive. Orders were issued during the year regarding the excess of civil work taken up by the Tahsíldárs of Sanawan, Lakki and Mardán.

It was stated in the Criminal Report recently submitted, in connection with the incidence of judicial business in certain Tahsíl Courts, that the question whether the Tahsíldárs of the Jullundur District did not take up some civil cases which would have been more suitably disposed of by Munsiffs would be further considered in the Report on Civil Justice. The civil statements for last year show that the five Munsiffs attached to the Jullundur District disposed of an average of 2,596 cases each last year, and the employment of Tahsíldárs on cases ordinarily tried by Munsiffs could not therefore probably be avoided.

Disposals by Munsiffs.

39. Munsiffs disposed of an average of 2,048 cases, as compared with 2,033 cases in 1881 and 2,024 cases in 1880. The Courts in which the out-turn of work was largest were—

		Contested	*Uncontested*	*Total*			*Contested*	*Uncontested*	*Total*
Nawashahr	...	1,010	1,974	2,984	Phillour	...	754	2,048	2,802
Rawalpindi	...	902	2,052	2,954	Gurdáspur	...	704	2,063	2,767
Ludhiána	...	656	2,238	2,894	Shahpur	...	462	2,198	2,660
Batála	...	751	2,087	2,838	Jagraon	...	965	1,690	2,655

It will be observed that the Gurdáspur, Jullundur and Ludhiána Districts figure most prominently in the above list. Each of these districts will now receive another Munsiff. The local jurisdiction of the Munsiff of Rawalpindi was curtailed last year and the number of institutions fell from 3,410 to 2,954. The number is still, however, too large and fresh arrangements have recently been sanctioned which will, it is hoped, reduce the work to reasonable limits. A fresh distribution of work between the Munsiffs of the Shahpur District has also been just sanctioned which will relieve the Sadr Munsiff.

Disposals by Honorary Courts and business of Small Cause Courts.

40. Honorary Courts disposed of rather more cases than in 1881, but fewer than in 1880. The gentlemen noted below were those who disposed of most cases:—

District	Name of Judge	Powers	Number of cases disposed of
		Rs.	
Amritsar ...	Sardár Ajít Singh	500	1,846
Gujránwála ...	Rája Harbans Singh	100	867
Ferozepore ...	Sodhi Mán Singh	10,000	773
Gurdáspur ...	Diwán Narinjan Dás	500	713
Siálkot ...	Sardár Dyal Singh	500	618
Gujránwála ...	Sardár Mahtáb Singh	50	598
Ferozepore ...	Sodhi Indur Singh	300	549
Kángra ...	Rája Amar Chand	500	460
Ferozepore ...	Sodhi Rajindar Singh	100	428
Ditto ...	Ghulam Mohi-úd-din	50	335
Kohát ...	Khán Bahádur Muhammad Zaffar Khán...	300	327
Gurgaon ...	Siraj-úd-dín Haidar	300	306

The work of Small Cause Courts will, as usual, be noticed in Part II of this report.

F.—Miscellaneous cases.

Exclusion of certain cases explained.

41. The second part of Statement No. 2 in the Appendix gives information regarding the miscellaneous business *of a judicial nature* which came before the Civil Courts of the Province during the year under report. In former years certain proceedings not of a judicial nature, such as commissions received from other districts for the examination of witnesses, references forwarding processes, &c., used to be included, but it was ascertained that such proceedings are not shown in the returns of other provinces and it seemed unnecessary, therefore, to continue to include them in the returns furnished for the Punjab.

Miscellaneous cases under the Code of Civil Procedure.

42. The first section of the statement shows miscellaneous cases under the Code of Civil Procedure. Only two heads of this part call for notice here. Applications for permission to sue or appeal as a pauper increased in District Courts from 1,166 to 1,239, the increase being most marked in the Dera Ismail Khan, Montgomery, Bannu, Kohát and Gurdáspur Districts. Proceedings, under Sections 174 and 643 of the Code, for the punishment of recusant witnesses and the prosecution of persons suspected of perjury, forgery, and the like, declined from 226 to 136. In both years cases of this kind were most numerous in the Lahore District, and in the Courts of the Munsiffs of that district. A report has been called for on the subject.

Other miscellaneous cases.

43. The total number of miscellaneous cases not connected with the Civil Procedure Code is returned as 3,301, but of these 980 are returned as cases not specifically provided for in the statement and the explanations which have been furnished regarding these cases show that some were not of a judicial nature.

Applications for redemption or foreclosure of mortgages.

44. Applications for redemption or foreclosure of mortgages under Regulations I of 1798 and XVII of 1806 increased from 942 to 1,211. In Gujránwála the number rose from 94 to 176, in Rohtak from 135 to 191, and in Hissar from 97 to 128.

Applications under Acts XL of 1858 and IX of 1861.

45. The number of applications under Acts XL of 1858 and IX of 1861 rose from 333 to 358. Applications under these Acts were most numerous in 1881 in the Ferozepore, Amritsar, Pesháwar and Hazára Districts, and last year in Lahore, Ludhiána, Jullundur and Amritsar.

Applications for certificates under Act XXVII of 1860

46. The decrease which has taken place since 1879 in applications for certificates under Act XXVII of 1860 was commented on and explained in the Court's report for 1881. Last year, such applications numbered 630, as against 782 in the previous year. Applications last year were most numerous in Lahore (99), Amritsar (94), Delhi (77), and Dera Ismail Khan (49).

Uncontested applications for probate and letters of administration.

47. The number of uncontested applications for probate or letters of administration fell from 39 to 22. Last year 11 applications were made to the Chief Court, as compared with 10 in the preceding year, the rest being in each year made to Chief Courts of districts.

Cases under Act X of 1870.

48. Twelve cases were disposed of during 1882 by Commissioners as Courts of reference under the Land Acquisition Act of 1870. Ten of these were dealt with by the Commissioner of Rawalpindi, who disposed of 7 without assessors, and in 3 cases summoned assessors, with the result that he agreed with both assessors in one case, agreed with one of them in another, and differed from both assessors in the third case. The remaining cases were disposed of, one by the Commissioner of Delhi in agreement with one and disagreement with the second assessor, and the other by the Commissioner of Amritsar without assessors.

Number of cases for disposal and disposed of, and average duration.

49. Altogether, 39,487 miscellaneous cases came before the Civil Courts of the Punjab last year. Of these, 37,564 were disposed of within the year in the manner shown in Part II of Statement No. 4 in the Appendix. The average duration was 18 days in contested cases and 11 days in uncontested cases.

G.—Execution of Decrees.

Business of past two years compared.

50. The general result of the proceedings taken last year in execution of decrees is given in Statement No. 6 in the Appendix. The annexed statement shows the proceedings taken in each district during the past two years :—

DISTRICT	Total number of applications for execution		Transferred		Completely executed		Partially executed		Wholly infructuous		Total number disposed of		Percentage of decrees completely executed to the number disposed of		Average duration		Value of money decrees in execution		Amount realized: Voluntarily		Amount realized: After issue but without execution of process		Amount realized: After execution of coercive process		Percentage realized	
	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882
																	Rs.	Rs.	Rs	Rs	R.	Rs.	Rs	Rs		
Delhi ...	6,739	6 971	20	13	1,920	2,104	2,077	2,159	2,365	2,292	6,382	6 568	30	32	34	25	7,11,325	8,74 875	52,799	43,994	...	53,599	1,69,264	1,48,456	31	28
Gurgaon ...	1,887	1,958	7	9	582	499	523	502	652	809	1,764	1,819	33	27	36	33	1,77,274	2,29,207	5 242	3,921	..	2,993	39,590	33 370	25	18
Karnál ...	3,719	3,683	9	26	1,059	853	631	531	1,636	1,797	3,335	3,207	31	27	46	36	3,66,417	2,92 115	17,547	25,694	...	914	83,011	61,499	27	31
Hissar ...	1,909	2,116	1	2	535	615	569	658	592	772	1,697	2,047	31	30	25	24	1,40 829	1,98,768	5 478	6,450	...	4,945	32,145	43,901	27	28
Rohtak ...	4,274	4,191	24	11	1 328	1 189	1,380	1 419	1,216	1,106	3,948	3,725	36	32	38	32	2,23,285	2,15,992	17 609	10 291	...	8,256	52,244	51,264	31	32
Sirsa ...	918	1,354		1	315	482	182	319	291	403	788	1,205	40	40	32	36	92,022	87,958	7,461	8 086	...	3,515	19,151	21,981	29	38
Umballa ...	8,500	7,937	25	7	2,409	2,468	2 468	2,189	2 744	2 465	7,646	7,129	31	34	52	45	8 99,134	6,71,135	16,153	11,136	...	34,587	1,86,420	1,44,751	23	28
Ludhiána ...	9,034	8,545	20	40	2,571	2,458	3,598	3,461	1 629	1,568	7 818	7,527	33	32	33	33	5,72,015	5,89,850	29 659	20,872	..	41,935	1,25 229	98,114	27	27
Simla ...	2,101	1,637	8	15	512	439	472	341	1,034	799	2 026	1,594	24	27	39	12	1,62,098	1,81,775	14 986	14,309	...	351	41,692	36 851	35	28
Jullundur ...	16,025	17,224	8	30	3,915	3,893	3,743	4,513	6 155	6,813	13 821	15 249	28	25	49	51	13,55,657	10 99,506	23 581	12,728	...	60 042	2,22,803	1,71,389	18	22
Hoshiárpur ...	13,732	13,788	31	39	3,831	3,988	3,190	3,283	4,979	4,597	12,031	11 913	32	34	50	47	9,75,619	9,43,753	10,415	7,794	...	26,709	2,59 068	2,23,390	28	27
Kángra ...	4,232	3,877		..	1,340	1,443	1,309	1,159	1,160	975	3,809	3 577	35	40	34	33	1,43,686	1,38,223	6 905	4 821	...	7,331	38 182	44,680	31	41
Amritsar ...	10,879	11,860	52	..	2,868	3,377	2,180	2 681	4 312	4,378	9 412	10 436	30	32	49	68	6,34 677	6,30,490	29 936	27,760	..	10 846	1,76,435	1,73,879	32	33
Gurdáspur ...	10,527	11,901	12	7	3 159	3,172	2 468	2,882	2,957	3,325	8,596	9,386	37	33	64	73	4 94,608	5,44,685	7,137	9,631		33 967	1 83,923	1,23,113	39	31
Siálkot ...	12,987	13,824	29	..	3,631	3,745	3 294	3,600	4,562	5,334	11,516	12,679	31	30	43	35	5,81,361	5,04,350	7 564	3 442	..	35 517	1 95 360	1,48,152	35	37
Lahore ...	12,587	14,159	139	120	3 416	4 598	3,412	3,697	4,054	4 485	11 021	12,900	31	35	36	27	5 29,598	5,89,706	22 948	45,823	...	14,658	1,59 451	2,00,388	34	44
Gujránwála ...	7,245	8,338	59	45	1,740	1,853	1,627	1 919	2 953	3 575	6,379	7,392	27	25	41	43	3,43,283	4,51,868	12,279	15,459	..	11,824	94,197	95,100	31	27
Ferozepore ...	6,530	7,897	100	89	2,098	2 584	1,659	1,648	1,871	2 769	5 728	7,090	36	36	30	34	2,59,991	3,15,134	35 243	2,269	...	11,028	69,349	1,23,365	40	43
Rawalpindi ..	6,665	8,581	...	3	2,208	2 649	1,250	1,878	2,342	3 027	5,800	7,557	38	35	32	46	6,26,415	6,27,391	15 443	27,265	...	18,445	2,20 483	1,70 440	38	34
Jhelum ...	3,127	3 295	15	1	1,147	1,066	535	469	1,126	1,341	2,823	2 877	41	37	35	41	2,99,710	2,73,802	9,322	4,021	...	7,749	57,255	49 078	22	22
Gujrat ...	5,914	5,856	70	144	1,753	1,617	1,394	1,355	2,041	2,061	5,258	5,177	33	31	47	26	1,39 420	1,53,749	11,349	3,426	...	2,767	68,412	66 546	57	47
Shahpur ...	3,956	3,891	...	...	1,075	1,073	978	815	1,276	1,736	3,329	3,624	32	30	46	46	1,29,257	1,29,210	10 388	3,549	..	5,583	42,263	32,333	41	32
Mooltan ...	3,041	3,283	...	..	1,258	1 207	230	290	1,243	1,498	2,731	2,995	46	40	30	27	2,49,180	1,60 149	30,396	865	...	14,460	57,260	74,806	35	56
Jhang ...	2 907	2,936	...	...	1,181	1,146	439	424	1,014	1,107	2,684	2,677	44	43	52	38	1,89 264	1,59,199	5,404	3 426	...	7,466	43,230	35,414	26	22
Montgomery ...	1,880	1,893	...	...	840	781	840	265	607	631	1 787	1 677	47	47	33	36	1,96 355	1,73,945	3 527	2,115	...	4,642	46,176	38,525	25	26
Muzaffargarh .	2,865	3,117	..	...	999	1,222	480	449	1,075	1,126	2,554	2,797	39	44	49	62	1,37,887	1 21,508	7,823	5 276	...	10,696	46,948	32,065	39	39
Dera Ismail Khan ..	2,360	2 694	1	.	862	1,094	486	433	769	946	2,118	2 473	41	44	28	35	1,34,754	1,58 122	10,079	9,053	...	14,648	32,279	45,010	31	43
Dera Ghází Khan	3 086	3,925	...	3	1,332	1 709	486	542	901	1,344	2,719	3,598	49	47	27	35	1,07,162	1,56,037	19,372	17,336	..	11,429	27,460	35,794	43	41
Bannu ...	1,979	2,785	1	3	971	1,329	216	391	420	825	1 668	2,548	58	52	45	45	78,400	1,09,474	6,964	7,625	...	8,002	32,363	44,114	50	56
Peshávar ...	2,696	3,463	7	2	1,356	1,124	500	732	657	1,099	2,520	2,957	54	38	21	22	1,95,518	2,72,677	19 318	3 947	...	28,115	81,986	71,193	52	38
Hazára ...	1,694	1,660	...	...	547	577	340	287	665	635	1,552	1,499	35	38	17	17	70 824	65,840	5,051	8,576	...	1,188	13,093	18,002	26	40
Kohát ...	847	1,339	...	1	503	663	87	280	171	266	761	1,210	66	55	28	23	63,077	96,365	2,783	891	...	11,193	38,963	29,331	66	43
Total ...	176,841	189.928	638	611	53,261	57,017	42,593	45,577	59,529	65,904	156,021	169,109	34	34	38	41	1,12,80,102	1,12,16,858	4,80,161	371,850	...	509,400	29,54,785	26,86,294	30	32

The figures show that the number of applications for disposal exceeded that of the previous year by 13,087, and that 13,088 more applications were disposed of last year than in 1881. In other words, an increase of 7·4 per cent. in the amount of business for disposal was kept pace with, the pending file being lower by one case at the end of the year than at the beginning.

Result of applications in 1881 and 1882.

51. The percentage of cases which succeeded, wholly or partially, and which failed was almost exactly the same in both years. The figures were—

		1881	1882
Completely executed	...	34·1 per cent.	33·7 per cent.
Partially executed	...	27·3 „	27·0 „
Wholly infructuous	...	38·2 „	39·0 „
Transferred	...	0·4 „	0·3 „

The percentage of completely executed decrees was in both years highest in Kohát and Bannu, but in both districts the percentage was considerably lower last year than in the preceding year. Attempts to execute were relatively least successful in the Karnál, Simla, Mooltan and Gurgaon Districts, in which the percentage of wholly infructuous applications ranged from 56 to 44. This does not, however, mean that in these districts so many decrees became inoperative, but merely that the decree-holders were unsuccessful in, or did not persevere with, those particular attempts to execute their decrees.

Of the decrees which were satisfied in full, 95 per cent. were executed through the Courts and 5 per cent. were adjusted out of Court; while in the case of partially executed decrees, 94 per cent. were executed through the Courts and 6 per cent. were adjusted out of Court. The corresponding percentages of the previous year were—

		Through the Courts	*Out of Court*
Applications satisfied in full	...	95	5
Applications satisfied in part	...	98	2

Pending applications.

52. Of the 20,819 applications which remained undisposed of at the end of the year, 3,276 had been pending over three months and 1,278 over six months. Cases of more than six months' standing were far the most numerous in the Gurdáspur District, and it would appear from the remarks of the Deputy Commissioner that the Courts did not pay sufficient attention to this branch of their work. Colonel Harcourt was asked at the commencement of the present year to pay special attention to the working of the Civil Courts of his district, and the returns of work which have been recently received from his district show that he is doing so.

Average duration.

Delhi, Hissar, Simla, Lahore, Gujrát, Mooltan, Pesháwar, Hazára, Kohát.

53. The average duration of execution proceedings has risen from 38 to 41 days. It was highest in Gurdáspur (73 days), Amritsar (68 days), and Muzaffargarh (62 days), the average being in all these districts considerably higher than in the previous year. In the districts noted in the margin the average duration was under 30 days.

Value of decrees in execution and amount realized.

54. The following table shows the total value of the decrees for money which were under execution during the past two years, the amount realized in each year, and the value of the decrees under execution at the close of each year :—

Year	*Value of money decrees in execution*	*Amount realized*	*Value of decrees under execution at the close of the year*
	Rs.	Rs.	Rs
1881	... 1,12,80,102	34,34,946	18,57,106
1882	... 1,12,16,858	35,67,544	18,01,592
Difference	... — 63,244	+ 1,32,598	— 55,514

The percentage of realizations has risen from 30 to 32, or, if the value of decrees under execution at the close of each year be excluded from the calculation, from 36 to 43. The proportion of realizations was highest (56 per cent.) in the Mooltan and Bannu Districts and exceeded 40 per cent. in the districts noted in the margin. In Gurgaon, which has already figured as a district in which the proportion of infructuous applications was remarkably high, the percentage of realizations fell from 25 to 18, and the explanation suggested by the Deputy Commissioner is that applications were merely made in order to keep decrees alive and with the knowledge that there was no immediate prospect of realizing any portion of the sum decreed. Other districts in which the percentages of realizations were very low are Jullundur (22), Jhelum (22), Jhang (22), and Muzaffargarh (26).

Kángra, Lahore, Ferozepore, Dera Ismail Khan, Dera Ghází Khan, Hazára and Kohát.

Realizations how effected.

55. The following figures show in what proportions the various modes of realization allowed by law were efficacious:—

		Sum realized	Percentage
Paid involuntarily		3,71,850	11
Realized	After issue but without execution of process	5,09,400	14
	By arrest only	2,39,351	7
	After imprisonment	44,733	1
	By attachment only	19,73,353	55
	By sale	4,28,857	12

These figures cannot be readily compared with the statistics of the previous year, as last year a column was added for the first time to show the sums realized by the mere issue of a process. Such sums were probably in previous years generally shown as voluntary payments, but in some districts they would seem to have appeared as realized by the process which was issued but not executed.

Modes of coercion employed in 1881 and 1882.

56. Similarly, the addition of a column to show the number of processes which were issued but not executed may account for some of the differences which appear in the following table, which shows the comparative frequency with which the various means of executing decrees were employed during each of the last two years:—

Number of applications—	1881.	1882.
On which judgment-debtors were arrested but released without imprisonment	6,142	8,022
On which judgment-debtors were imprisoned	948	989
On which moveable property was attached but subsequently released	51,098	48,584
On which moveable property was sold	12,369	12,829
On which immoveable property was attached but subsequently released	6,590	5,957
On which hereditary or joint acquired property in land was sold	60	30
On which other immoveable property was sold	2,006	2,312
On which action was taken under Section 305 or Section 326, Civil Procedure Code	555	651
On which possession was given of moveable property ...	565	494
Do. do. of immoveable property ...	5,545	5,881
On which specific performance was enforced	265	163
On which partition was effected	78	155
On which execution was effected otherwise than as above ...	81	1,642

Arrest and imprisonment.

57. Taking the figures as they stand, it will be noticed that arrests were far more frequent than in the preceding year, but that there was not a corresponding increase in the number of commitments to prison. The amounts for which debtors were committed to prison aggregated Rs. 1,77,232 last year, as against Rs. 1,22,302 in the previous year. The periods of detention in each year are compared below:—

Year	Number of persons detained			Average detention
	Up to 1 month	Between 1 and 3 months	Between 3 and 6 months	
1881 ...	542	276	72	33 days
1882 ...	645	284	134	43 „

The average period of detention has risen from 33 to 43 days, and the number of persons who remained in custody for more than three months from 73 to 134. Persons were detained for the full period of 6 months allowed by law in the Amritsar, Gurdáspur, Siálkot, Ferozepore and Mooltan Districts.

Attachment and sale of moveable property.

58. The table shows a decrease of 2,514 in the number of cases in which moveable property was attached but not sold, but the difference may be partly caused by the figures of the earlier year including some warrants of attachment which were issued but not actually executed. The increase in sales of moveable property is in keeping with the larger amount of execution business disposed of during the year.

Sales of land in execution of decree.

Secretary to Government's No. 303, dated 21st March 1883.

59. The number of sales of hereditary or joint-acquired property in land fell from 63 to 30, while on the other hand temporary alienations of landed property were effected in 651 cases last year, as compared with 555 cases in the previous year. The letter noted in the margin contained the request that the working of the first clause of Section 320 of the Civil Procedure Code might be noticed in the Court's Report on Civil Justice. This clause, however, is not in force in any part of the Punjab. Special rules as to the sale of land in execution of decrees were in force in the Punjab when Act X of 1877 came into force and were maintained by Punjab Government Notification No. 3858, dated 3rd October 1877. These rules, which provide that no land or interest in land shall be sold without the sanction of the Commissioner of the Division, or, in the case of hereditary or joint-acquired property, of the Chief Court, and that all sales of rights in land paying revenue to Government in satisfaction of decree shall be made by the Deputy Commissioner on the requisition of the Court executing the decree, with the power given to the Deputy Commissioner by Section 326 of the Code to intervene in any case in which he considers the public sale of land objectionable and that the satisfaction of the decree may be made within a reasonable time by a temporary alienation or management of the property, and having intervened to act in arranging for such temporary alienation or management as if the first clause of Section 320 were in force, have hitherto been considered sufficient to guard against unnecessary sales of land in execution of decree without the issue of a notification under clause 1 of Section 320. The relative duties of the Civil Courts and the Revenue authorities in executing decrees of the nature above referred to have formed the subject of recent correspondence between the Government, the Financial Commissioner and the Court, and rules are now being drawn up for the guidance of the Courts and Revenue Officers in these matters.

Other modes of executing decrees.

60. The other heads in the table do not call for further remark than that the entries in some of the returns under the head of decrees otherwise executed need explanation. Explanations have been called for.

Comparative working of different grades of Courts.

61. The following table shows the comparative working of the different grades of Courts in the execution of decrees:—

Class of Court	Number of applications disposed of	Percentage in which satisfaction was obtained in whole or in part	Value of money decrees in execution	Percentage realized	Average duration
			Rs.		
Sadr Courts	34,932	59	57,87,046	27	44 days.
Small Cause Courts	11,996	72	3,63,886	49	16 "
Tahsil Courts	18 952	68	7,32,131	39	34 "
Munsiffs' Courts	97,944	59	40,84,493	36	39 "
Honorary Courts	4,674	65	1,99,302	41	35 "

Miscellaneous cases connected with execution proceedings.

62. To pass on to notice certain miscellaneous proceedings connected with the execution of decrees, the returns show that claims to attached property and objections to the attachment of property numbered 11,800 last year, as against 11,045 in the year 1881, and that 89 complaints, of which 34 were in Umballa, were made, under Sections 328, 332 and 334 of the Civil Procedure Code, of obstruction or wrongful dispossession, the number of such complaints having been 59 in the preceding year.

In 321 cases, as compared with 512 in the previous year, enquiries were made, under Section 258 of the Code, regarding payments made to decree-holders out of Court. Such enquiries were in both years most numerous in the Mooltan District, being 216 in 1881 and 171 last year. In Siálkot the number fell from 74 to 2, but the circumstance has not been noticed in the local reports.

Execution of decrees of Courts at head-quarters of districts.

63. Not much is said in the present reports on a question which has been much discussed during the past few years, *viz.*, whether it is better in districts in which the head-quarters staff is large to make a single officer responsible for the execution of all decrees passed by the Courts at head-quarters, or to leave each Court to execute its own decrees. It would seem, however, that the plan of making over the work to a single officer has been given up in most of the districts in which it was tried experimentally. The great difficulty seems to be to find a suitable officer who can spare sufficient time to do the work thoroughly.

Proceedings in insolvency.

64. Statement No. 7 in the Appendix shows the proceedings taken during the year under report under Chapter XX of the Civil Procedure Code.

Applications for a declaration of insolvency.

65. The following table exhibits the number of applications for a declaration of insolvency filed, disposed of, and pending in 1881 and 1882 :—

Year	Filed by judgment-debtors			Disposed of	Pending
	Under arrest or imprisonment	Against whose property an order of attachment had been made	Total		
1881	64	159	223	228	52
1882	99	184	283	262	73

Of the applications instituted last year, 180 were instituted in District Courts and 103 in the specially empowered Small Cause Courts at Delhi, Amritsar and Lahore. It will be observed that in neither year was any application made by a d cree-holder, and that there was a considerable increase in the number of applications presented last year by judgment-debtors, and especially by judgment-debtors under arrest or imprisonment.

The result of the applications disposed of in each year is given below :—

		1881	1882
Withdrawn or otherwise not prosecuted ...		96	103
Granted ...	A receiver not being appointed...	39	42
	A receiver being appointed ...	31	31
Rejected ...	Penal proceedings not being taken	56	84
	Penal proceedings being taken	6	2

The percentage of successful applications was only 27 in the year under report, having been 30 in the previous year. Applications were least successful in the Amritsar Division, where also they were most numerous, and succeeded best at Simla. In the 73 cases in which the application was successful, declarations of insolvency were made in favor of 79 persons. Of these, 43 were discharged forthwith under Section 351 of the Code without a receiver being appointed. Twenty-four persons more, whose property had been placed in charge of receivers, were discharged under Section 355 on the receivers certifying that they had been put in possession of the property.

Estates in the hands of receivers.

66. The total number of estates in the hands of receivers last year was 46. In 16 cases the administra ion of the property was completed and the proceedings finally closed, and 30 estates were still under management at the end of the year. The remaining columns of Part II of Statement No. 7 show how creditors' claims were dealt with during the year and what progress was made in realizing insolvents' assets. It will be seen that out of scheduled debts aggregating Rs. 3,23,997, only 9 per cent. were satisfied during the year, either by payment or under Section 358 of the Code, and that only Rs. 23,709 remained in the hands of the receivers at the end of the year for the satisfaction of Rs. 2,93,533 of claims admitted to be due and recoverable.

II.—Witnesses.

Attendance of witnesses.

67. The following table shows the number of witnesses who attended or were summoned to attend the Civil Courts of the Punjab during the last two years. It will be seen that there was an increase of 6 per cent in the total number of witnesses, and that the proportion for whose appearance a summons was issued was slightly higher than in the previous year.

	Number		Difference	Percentage	
	1881	1882		1881	1882
Witnesses who appeared voluntarily ...	126,435	130,636	+ 4,201	36	35
Witnesses for whose appearance a summons was issued ...	228,665	246,064	+ 17,399	64	65
Total ...	355,100	376,700	+ 21,600	...	...

68. Of the witnesses who were summoned to attend, 185,834, or not quite 76 per cent., received an average of 10 annas and 1 pie for expenses. In the previous year about the same proportion of witnesses received an average of 9 annas and 11 pies each.

Payment of witnesses.

Turning to particular districts, the average amount paid last year to each witness in the Shahpur District was Re. 1-1-1 and in the Montgomery District Re. 1-0-2. In each case the average is considerably higher than that of the previous year, and explanations have been asked for. The average was lowest in Siálkot (7 annas and 1 pie) and was 7 annas and 3 pies in the Kángra, Amritsar and Hazára Districts.

60. The average cost of each process issued during the year under report is returned as 4 annas and 7 pies, as compared with 4 annas and 8 pies in the preceding year.

Average cost of processes.

PART II.—SMALL CAUSE COURTS.

Business of District Small Cause Courts.

70. The business of the Small Cause Courts which have been established in the Municipal Towns of Delhi, Simla, Amritsar and Lahore is shown for the years 1881 and 1882 in the following comparative statement:—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Court	Number of cases on the file								Disposed of without trial		Without contest		With contest		Total disposed of		Pending at the end of the year		Pending for more than three months at the close of the year		Percentage of contested cases		Average duration				Cases in column 4 and 5 brought by bankers and shopkeepers against agriculturists	
	Pending from last year		Instituted		Transferred under Sections 99 and 103 of Act X of 1877 or Section 21 of Act XI of 1865		Total																Contested		Uncontested			
	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882	1881	1882
Delhi ...	164	285	2,680	2,768	86	105	2,930	3,159	335	381	1,862	1,437	922	1,079	2,842	2,597	288	262	...	...	35	37	24	21	22	21	57	46
Simla ...	63	6[illegible]	1,539	1,457	2	21	1,604	1,541	224	230	881	847	436	396	1,541	1,478	83	68	...	2	28	27	16	21	19	21	9	...
Amritsar ...	211	219	3,288	3,531	182	151	3,647	3,901	323	681	1,523	1,911	982	1,037	3,428	3,625	219	278	.	1	29	29	30	36	24	29	235	506
Lahore ...	201	478	4,981	5,186	172	150	5,454	5,814	610	624	2,541	3,113	1,825	1,699	4,976	5,430	478	383	...	50	37	31	19	16	15	15	467	511
TOTAL ...	744	1,04[illegible]	12,488	12,942	453	425	13,635	14,415	1,818	1,916	6,807	7,308	4,165	4,201	12,587	13,425	1,048	989	...	53	33	31	22	23	20	22	788	1,063

Except in the matter of average duration, the comparison is in favor of the year under report. Though the number of cases for disposal exceeded that of the previous year by 780, the percentage of cases decided rose from 92 to 93 and the pending file was reduced by 59 cases. In both years the percentage was lowest in the Delhi Court, but it was higher last year than in 1881, and the pending file has been still further reduced during the current year. Of the 383 cases which were pending at the end of the year in the Lahore Court, 50 had been pending for over 3 months. Most of these, however, were awaiting disposal under the provisions of Section 99 A of the Code, and such cases apparently have not been included in the arrears of the other three Courts.

How disposed of.

71. The manner of disposal was as follows in each year:—

		Percentage 1881	Percentage 1882
Without trial	...	14	14
Without contest ...	...	53	55
After contest { for plaintiff	...	26	24
After contest { for defendant	...	7	7

The percentage of contested cases was highest in the Delhi Court. In the Lahore Court the percentage fell from 37 to 31, but is still higher than it was in 1879 or 1880.

Average duration.

72. The average duration has risen in contested cases from 22 to 23 days and in uncontested cases from 20 to 22 days. In the Amritsar Court the average was as high as 36 days in contested and 29 days in uncontested cases. Mr. Lewis, who acted as Judge of the Court during the greater part of the year, explains that there were special reasons which increased the duration of suits last year, and that, as compared with the other Small Cause Courts in the province, the Amritsar Court works at a disadvantage, as the proportion of cases in which the defendant resides beyond its local jurisdiction is always much larger. After giving due weight to Mr. Lewis' arguments, the Judges must still agree with the Commissioner that the average is high, and they are glad to find that it has been reduced during the present year.

Suits by bankers and shopkeepers against agriculturists.

73. Suits by bankers and shopkeepers against agriculturists increased from 768 to 1,063, and the ratio borne by such suits to the total number of institutions from 6 to 8 per cent. The increase shown in the Amritsar returns, from 235 cases to 506, has not been noticed, and is so large as to suggest doubts regarding the accuracy of the figures. Enquiries are being made on the subject.

Attendance of witnesses.

74. The following table shows the attendance of witnesses in the different Courts:—

1	2	3	4	5			6		
COURTS	Number of witnesses who appeared without summons	Number of witnesses for whom summonses were issued, whether they appeared or not	Number of witnesses who received allowances for expenses	Average amount paid to each witness entered in column 4			Average cost of each process issued to obtain attendance of witnesses		
				Rs.	A.	P.	Rs.	A.	P.
Delhi	822	2,126	402	0	8	8	0	4	0
Simla	511	890	644	0	6	6	0	4	0
Amritsar	166	3,283	3,283	0	8	0	0	4	0
Lahore	1,616	6,318	5,945	0	4	2	0	4	0
TOTAL ..	3,115	12,617	10,274	0	5	8	0	4	0

It will be observed that, whereas in the Delhi Court only 19 per cent. of the witnesses who were summoned received allowances, according to the Amritsar returns every witness for whom a summons was issued received an average of 8 annas for his expenses. The Amritsar figures are probably incorrect, as it is not to be supposed that every witness for whom a summons was issued was found and paid his expenses, but if the figures are approximately correct, the witnesses would seem to have been treated with unnecessary liberality. At Delhi, on the other hand, it would seem that very many of the witnesses who were summoned did not receive the allowance for expenses to which they were entitled by law. The attention of the Judge of the Court has been drawn to the point.

Applications for re-trial.

75. Three hundred and twenty-one applications for retrial were disposed of last year, as compared with 379 in the preceding year. The results of the applications in each year were as under:—

		Percentage 1881	Percentage 1882
Rejected	... ...	64	66
Admitted	Former order upheld	25	18
	Former order reversed or modified...	11	16

Applications were most successful in the Delhi Court.

References to the Chief Court.

76. Two cases were referred to the Chief Court by the Judge of the Lahore Court under the provisions of Chapter XLVI of the Code of Civil Procedure, and one case was referred by the Judge of the Delhi Court. In one of the Lahore cases the Chief Court agreed with the opinion expressed by the Judge in making the reference and was of a different opinion in the other case, and also in the Delhi case.

Trials by two Judges.

77. Twenty-four trials, as compared with 75 in the previous year, were held before two Judges under the rules framed by the Local Government in 1869. In 14 cases the former order was maintained, 3 orders were modified and 7 reversed.

Execution of decrees.

78. The following table shows the working of the four Courts in the execution of decrees. The totals of the previous year have been added for facility of reference:—

1	2	3	4	5	6	7	8	9	10	11	12	13	14
Court	Total number of applications for execution	Transferred	Completely executed	Partially executed	Wholly infructuous	Total number disposed of	Percentage of decrees completely executed to the number disposed of	Average duration	Value of money decrees put in execution	Amount realized: Voluntarily	Amount realized: After issue but without execution of process	Amount realized: After execution of coercive process	Percentage realized
									Rs.	Rs.	Rs.	Rs.	
Delhi ...	2,355	...	749	1,165	401	2,315	32	11	86,829	11,382	9,615	12,036	38
Simla ...	1,221	5	294	249	611	1,189	25	11	53,158	3,347	259	14,113	31
Amritsar ...	1,403	...	366	334	648	1,348	27	10	56,462	5,112	1,966	12,571	33
Lahore ...	4,396	62	2,244	1,243	427	3,976	56	17	97,401	39,458	2.506	18,871	62
Total 1882	9,375	67	3,653	2,991	2,117	8,828	41	16	2,93,850	59,299	14,346	57,591	44
Total 1881	8,286	114	2,195	3,074	2,432	7,815	28	11	2,73,821	44,802	52,803		36

The noticeable features in the table are—

(*a*). An increase of 13 per cent. in the amount of work for disposal and also in the amount disposed of. The increase is most marked in the Delhi Court, where the number of applications for disposal increased from 1,820 to 2,355, and 2,315 cases were disposed of as against 1,790 cases in 1881.

(*b*). The large number of decrees completely executed by the Lahore Court and the high percentage of realizations in that Court. In both particulars the figures of the year under report compare favorably with those of the preceding year.

(*c*). The comparative facility with which the realizations were effected. Of the whole amount realized, 44 per cent. was paid involuntarily, and 11 per cent. more after the mere issue of a process. In Munsiffs' Courts, which deal for the most part with the same kinds of cases throughout the rest of the province, coercion, beyond the mere issue of a process, had to be employed in respect of all but 24 per cent. of the sums realized.

Business of Cantonment Small Cause Courts.

79. The same Cantonment Small Cause Courts were open last year as in 1881. Full particulars regarding the working of each Court and the general results of the previous year are given in the following table:—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
	Number of cases on the file												*Average duration*		
COURT	Pending from last year	Instituted	Readmitted under Secs. 99 and 108, Act X of 1877	Received by transfer	Total	Disposed of without trial	Without contest	With contest	Grand total disposed of	Pending at the end of the year	Pending for more than 3 months at the close of the year	Percentage of contested cases	Contested	Uncontested	General average duration
Umballa ..	40	872	22	...	934	222	526	174	922	12	...	19	29	17	20
Simla Hills ...	28	341	8	...	380	62	176	129	367	13	...	35	17	26	17
Jullundur ...	5	255	4	...	264	33	154	66	253	11	...	22	16	13	13
Siálkot ...	32	401	12	...	445	119	210	99	428	17	...	21	23	10	13
Mean Meer ...	12	721	...	...	733	129	409	179	717	16	...	25	10	7	8
Ferozepore ...	53	990	15	...	1,058	71	861	85	1,017	41	...	8	21	18	18
Rawalpindi ...	48	1,711	9	...	1,768	340	1,025	379	1,744	24	1	22	26	11	14
Mooltan ...	11	767	4	...	782	89	422	235	746	36	...	30	15	8	10
Peshâwar ...	53	898	15	...	966	142	605	182	929	37	1	20	17	11	12
TOTAL ... 1882	282	6,959	89	...	7,330	1,207	4,388	1,528	7,123	207	2	21	20	13	14
TOTAL ... 1881	210	6,178	103	2	6,493	1,253	3,448	1,510	6,211	282	...	24	23	18	19

Institutions rose considerably in the Ferozepore, Rawalpindi, Mooltan and Peshâwar Courts and fell off at Umballa and Jullundur. The total number of cases for disposal exceeded that of the previous year by 837 and the number disposed of the disposals of the previous year by 912. As regards the mode of disposal, it will be noticed that the proportion of cases which were tried but not contested was far higher than in 1881. Of the 207 cases which were pending at the end of the year, two only had been pending for more than three months. These results are satisfactory, as also is the decline in the average duration from 23 to 20 days in contested cases and from 18 to 13 days in uncontested cases. The duration still, however, appears somewhat unnecessarily high in one or two Courts.

Turning to the execution business of the Courts, there were altogether 3,679 applications for disposal during the year, of which 3,492 were disposed of in an average of 18 days—32 per cent. by the decrees being completely executed, 29 per cent. by partial execution, while 38 per cent. were wholly infructuous. The value of the money decrees in execution is returned as Rs. 1,27,234, and Rs. 50,627, or 40 per cent., were realized. Of the whole amount realized, 13 per cent. was paid involuntarily, 19 per cent. after issue but without execution of process, and 68 per cent. was realized only after a process had been issued and executed. It will thus be seen that decrees in Cantonment Courts were not executed with the same ease as in District Small Cause Courts.

PART III.—APPELLATE COURTS SUBORDINATE TO THE CHIEF COURT.

Appeals compared with appealable decisions.

80. In the subjoined statement a comparison is made, on the one hand, between the number of contested cases decided during the year under report from which an appeal lay to a District or Divisional Court of appeal and the number of appeals actually instituted in those Courts, and on the other hand, between the number of cases in which a District Court of appeal modified or reversed the decision of the lower Court and the number of further appeals which were preferred in consequence to Divisional Courts. The comparison is not quite accurate in either case, as the original decisions with which first appeals are compared take no account of *ex-parte* decisions, which may be, and in rare cases are, appealed against, and column 8 includes cases in which a District Court of appeal modified or reversed the order of an original Court passed in a suit for money or moveables not exceeding Rs. 50 in value, from which no further appeal lay.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
	District Courts					*Divisional Courts*							
		Appeals						Appeals					
District	Number of original contested cases in which an appeal lay to the District Court	To Assistant Commissioners	To Judicial Assistants	To Deputy Commissioners	Total to District Courts	Number of original contested cases appealable to the Divisional Court	Number of appeals in which District Courts modified or reversed the order of the lower Court	From Courts of first instance	From subordinate Appellate Courts	Total to Divisional Courts	Grand Total	Percentage of first appeals to decisions appealable	Percentage of further appeals to decisions in col. 8
Delhi ...	1,642	...	486	...	486	119	118	62	86	148	634	31	73
Gurgaon ...	581	...	...	145	145	122	45	55	21	76	221	28	47
Karnál ...	709	...	...	148	148	367	37	136	10	146	294	26	27
Hissar ...	365	...	...	140	140	231	37	41	16	57	197	30	43
Rohtak ...	748	...	95	60	155	724	27	278	12	290	445	29	44
Sirsa ...	674	...	...	204	204	350	52	138	27	165	369	33	52
Umballa ...	2,458	...	583	26	609	404	141	151	58	209	818	26	41
Ludhiána ...	2,862	...	699	54	753	355	122	158	41	199	952	28	34
Simla ...	176	...	12	1	13	79	3	13	...	13	26	10	...
Jullundur ...	4,257	...	699	1	700	624	148	288	63	351	1,051	20	43
Hoshiárpur ...	4,379	...	1,038	...	1,038	1,103	186	327	58	385	1,423	25	31
Kángra ...	2,583	12	346	58	416	157	90	43	29	72	488	17	32
Amritsar ...	3,254	...	547	2	549	377	136	323	33	356	905	24	24
Gurdáspur ...	3,764	...	495	12	507	511	102	157	41	198	705	15	40
Siálkot ...	6,318	...	804	132	936	478	246	200	100	300	1,236	17	41
Lahore ...	2,589	...	401	...	401	632	115	208	53	258	659	19	46
Gujránwála ...	2,282	...	634	25	659	253	215	107	52	159	818	30	24
Ferozepore ...	3,312	...	700	26	726	883	139	268	75	343	1,069	24	54
Rawalpindi ...	3,618	...	746	34	780	480	167	54	73	127	907	20	44
Jhelum ...	2,129	10	542	7	559	104	171	54	84	138	697	27	49
Gujrat ...	1,962	...	608	3	611	396	122	48	47	95	706	28	38
Shahpur ...	1,412	...	412	42	454	68	125	52	34	86	540	34	27
Mooltan ...	1,100	...	172	1	173	210	34	138	17	155	328	24	50
Jhang ...	874	...	...	231	231	147	55	60	23	83	314	28	42
Montgomery ...	933	...	...	131	131	8	26	65	9	74	205	21	34
Muzaffargarh ...	1,193	...	...	121	121	69	33	12	11	23	144	11	33
Dera Ismail Khan ...	1,506	...	216	61	277	153	60	57	25	82	359	20	42
Dera Ghází Khan	2,200	..	137	48	185	303	41	37	16	53	238	9	39
Bannu ...	1,830	20	437	2	459	402	110	53	25	78	537	23	23
Peshávar ...	2,414	...	492	...	492	344	91	259	39	298	790	27	43
Hazára ...	1,514	...	...	205	205	397	48	120	19	139	344	17	40
Kohát ...	840	...	...	159	159	207	50	48	11	59	218	20	22
Total ... 1882	66,478	42	11,301	2,079	13,422	11,057	3,092	4,007	1,208	5,215	18,637	22	39
Total ... 1881	64,249	78	10,512	2,057	12,647	11,980	3,182	3,489	1,152	4,641	17,288	21	36

Taking the figures as they stand, the table shows that an increase of 3 per cent. in the number of contested decisions from which an appeal lay to the District Court was accompanied by an increase of 6 per cent. in the number of appeals instituted in such Courts, and that, with a decrease of 923 in the number of contested original decisions appealable to a Divisional Court, the number of first appeals in such Courts rose from 3,489 to 4,007, the general result being a rise of 1 per cent. in the ratio of first appeals to appealable contested decisions. The ratio of further appeals to cases in which a District Court of appeal interfered with the decision of the lower Court also rose from 36 to 39 per cent. The ratio for the Delhi District was as high as 73 per cent., and it exceeded 50 per cent. in the Sirsa and Ferozepore Districts.

A.—District Courts.

Institutions and distribution of business.

81. It has been shown in the preceding paragraph that the number of appeals filed in District Courts during the year under report was 13,422, as compared with 12,647 in the year 1881. In Gurgaon the number rose from 85 to 145, in Hissar from 88 to 140, in Sirsa from 98 to 204, in Bannu from 294 to 459, and in Kohát from 69 to 159. In Sirsa there was a corresponding increase in the number of appealable decisions, but this was not the case in the other districts mentioned.

Appeals in District Courts were distributed during the past and previous year as under:—

	Percentage 1881	Percentage 1882
Deputy Commissioners	16·3	15·5
Judicial Assistants	83·1	84·2
Assistant and Extra Assistant Commissioners	0·6	0·3

There was an increase of 41 per cent. in the number of appeals instituted in districts in which, there being no Judicial Assistant, the Deputy Commissioner was obliged to take up all the appeals himself, and the Deputy Commissioners of these districts disposed of an average of 169 appeals each. But in districts in which there was a Judicial Assistant only 595 appeals were taken up by Deputy Commissioners last year, as compared with 1,005 in the previous year. The Deputy Commissioner of Siálkot took up 132 appeals, the Deputy Commissioner of Dera Ismail Khan 61 appeals, and the Deputy Commissioners of Rohtak, Ludhiána and Kángra between 50 and 60 appeals each; and no other Deputy Commissioner relieved his Judicial Assistant of as many as 50 appeals.

Appeals for disposal, disposed of and pending.

82. Including 1,311 appeals which were pending at the close of 1881, and 388 appeals received by transfer, on remand or readmission, there were 15,121 appeals for disposal by District Courts last year, as against 14,383 in the previous year. Of these, not quite 90 per cent. were disposed of during the year, as compared with 91 per cent. in the previous year, and 1,527 appeals awaited disposal when the year closed. The manner in which the appeals were disposed of in the past and the previous year is shown in full detail in the following table:—

	Percentage	
	1881	1882
Summarily rejected under Section 551, Civil Procedure Code	15·8	18·5
Struck off for default or under Section 557, Civil Procedure Code, or otherwise not prosecuted	5·8	5·0
Order of lower Court confirmed *ex-parte*	2·2	2·6
Order of lower Court confirmed after contest	39·0	37·3
Order of lower Court modified	7·0	6·5
Order of lower Court reversed	17·4	16·3
Remanded under Section 562, Civil Procedure Code	12·8	13·8

The total percentage of unsuccessful appeals was 62·4, as compared with 62·8 in 1881. The proportion of appeals which resulted in the reversal of the order of the lower Court fell rather more than one per cent., and the proportion of remands under Section 562 rose just one per cent.

The proportion of cases remanded under Section 562 was exceedingly high in the Courts noted in the margin. Enquiries which were made by this Court during the year showed that the section had been misapplied by the Judicial Assistants of Delhi and Siálkot. Enquiries are now being made as to whether the section has also been misunderstood by the Appellate Courts of the Karnál and Gujránwála Districts.

Delhi	24	per cent.
Karnál	24	"
Siálkot	21	"
Gujránwála	19	"

Districts in which the arrears were heaviest, and longest pending appeals.

83. It has been noted above that the pending file increased from 1,311 to 1,527 cases during the year. The arrears were relatively heaviest in the Delhi, Umballa, Ludhiána and Gujrat Districts. The increase in the Ludhiána District is explained by the Judicial Assistant having taken a month's leave towards the close of the year and the vacancy not being filled up. For the Umballa District the Deputy Commissioner explains that institutions were unusually numerous in December. The growth of arrears in the Court of the Judicial Assistant of Delhi formed the subject of much correspondence with the Commissioner; and it was also pointed out more than once to the Judicial Assistant of Gujrat that the work of his Court was not being kept pace with. Of the total number in arrears, 154 had been pending for more than three months, and of these last 93 were pending before the Judicial Assistant of Delhi and 18 before the Judicial Assistant of Gujrat.

The appeal which had been longest pending in a District Court at the end of the year was instituted on the 24th of March in the Court of the Judicial Assistant of Delhi and was decided early in the present year. The oldest appeal in the Gujrat District dated from the 23rd of June and was also disposed of soon after the close of the year. No appeal had been pending in any other District Court for 6 months.

Average duration.

84. The average duration of appeals in District Courts was 35 days, as against 38 days in the previous year and 31 days in 1880. The average was highest in Ferozepore (57 days) and Gujrat (52 days), and exceeded 40 days in the Delhi, Umballa, Rawalpindi and Mooltan Districts. It was under 20 days in the Gurgaon, Hissar, Sirsa, Lahore, Dera Gházi Khan and Kohát Districts.

Other particulars of disposal.

85. In 597 of the appeals disposed of during the year, issues were framed and referred to the lower Court for trial under the provisions of Section 566 of the Code, and in 364 cases additional evidence was called for under Section 569. The first mentioned section was most freely used in

the Siálkot, Gujrat, Umballa and Pesháwar Districts, and Section 569 in Gujránwála, Jullundur, Shahpur and Bannu. Only 9 objections were filed last year under Section 561 of the Code. Seven were filed in the Hoshiárpur District, of which three were allowed, and two in Amritsar, one of which was allowed.

Value and cost of appeals in District Courts.

86. The value and cost of the appeals disposed of by District Courts last year are shown in the following table. As in the table showing the value and cost of original suits, the appeals have been divided on the present occasion into four classes instead of two. The apparent disproportion between cost and value in the lower grades of appeals not relating to money or moveables is due to the causes which have been dwelt on in commenting on the cost and value of original suits.

SCALE OF VALUATION	Number of appeals				Aggregate value of appeals				Aggregate cost of appeals				Average value of appeals												Average cost of appeals												Percentage of cost to value			
	For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits	For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits	For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits	For money or moveable property			For rights in land assessed or subject to assessment			For rights in other immoveable property			Other suits			For money or moveable property			For rights in land assessed or subject to assessment			For rights in other immoveable property			Other suits			For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits
					Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P	Rs.	A.	P.	Rs.	A.	P.				
Not exceeding Rs. 10	1,332	850	140	93	8,805	4,353	981	639	2,876	1,993	394	303	6	9	9	5	1	11	7	0	1	6	13	11	2	2	6	2	5	6	2	13	0	3	4	2	33	46	40	47
" 50	3,356	1,283	502	196	1,08,485	34,795	14,059	4,928	15,663	5,740	2,448	936	30	11	8	27	1	11	28	0	1	30	4	1	4	0	12	4	7	7	4	14	0	4	12	5	15	16	17	19
" 100	1,574	573	228	85	1,09,114	40,270	17,078	5,863	13,607	4,765	2,167	743	69	5	2	70	4	8	74	14	5	68	15	7	8	11	0	8	5	1	9	8	1	8	12	3	13	12	13	13
" 300	1,154	309	166	58	1,98,142	53,615	28,368	10,487	20,127	5,148	3,484	1,158	171	10	8	173	8	2	170	14	3	180	13	0	17	7	1	16	10	7	21	0	0	19	15	5	10	10	12	11
" 500	141	34	25	13	52,631	13,745	9,258	4,814	5,569	1,302	1,077	499	373	4	4	404	4	3	370	5	1	370	4	11	39	8	0	38	4	8	43	1	3	38	2	5	11	10	12	10
Appeals of which the value cannot be fixed ...	...	328	78	235	...	...	...	...	...	3,369	1,150	2,940	...	...	...	...	...	...	...	...	...	...	...	...	12	12	9	10	4	4	14	11	10	12	8	0	...	...	...	...
TOTAL ...	8,057	3,377	1,139	680	4,77,177	1,46,778	69,744	26,731	57,842	22,317	10,720	6,581	59	4	6	48	2	2	65	11	9	60	1	1	7	3	0	6	9	9	9	6	6	9	10	1	12	13	14	14

The following abstract of the table shows the number of appeals of each class and the proportion borne by such number to the total number of appeals disposed of, and also compares the average value and cost, and the ratio of cost to value, in each class of appeals. Columns 2, 3 and 5 include appeals relating to rights which could not be valued, and columns 4 and 6 exclude such appeals:—

Description of appeal	Number	Percentage of total number disposed of	Average value	Average cost	Percentage of cost to value
1	2	3	4	5	6
			Rs. A. P.	Rs. A P.	
For money or moveable property ...	8,057	61	59 4 6	7 3 0	12
For rights in land assessed or subject to assessment ...	3,377	25	48 2 2	6 9 9	13
For rights in other immoveable property	1,139	9	65 11 9	9 6 6	14
Other suits	680	5	60 1 1	9 10 1	14

It will be observed that 61 per cent. of the appeals decided by District Courts related to money or moveable property.

Miscellaneous appeals.

87. In addition to appeals from decrees, 730 miscellaneous appeals came before District Courts during 1882, as against 679 in the previous year. The nature of the appeals in each year is indicated below:—

	1881.	1882.
Appeals preferred under Section 588, Civil Procedure Code	399	559
Other miscellaneous appeals ...	280	171

Of the number for disposal in 1881, 90 per cent. were disposed of within the year, and 92 per cent. of last year's appeals were disposed of before the close of the year. The manner of disposal in each year was as under:—

	Percentage	
	1881	1882
Summarily rejected ...	21	24
Struck off for default or otherwise not prosecuted ...	5	7
Order of lower Court confirmed ...	34	36
Order of lower Court modified ...	1	2
Order of lower Court reversed ...	21	17
Cases remanded under Section 562, Civil Procedure Code ...	18	14

The average duration of miscellaneous appeals in District Courts was 27 days in 1881 and also in the year under report.

B.—Divisional Courts.

Institutions compared with those of the previous year.

88. The following statement compares the appeals instituted in the Divisional Courts of the province during the years 1881 and 1882, and repeats the information given in paragraph 80 regarding the number of decisions, original and appellate, from which an appeal lay to a Divisional Court:—

Divisions	1881					1882				
	Number of original cases appealable	Number of appeals in which District Courts modified or reversed the order of the lower Court	Appeals			Number of original cases appealable	Number of appeals in which District Courts modified or reversed the order of the lower Court	Appeals		
			From Courts of first instance	From subordinate Appellate Courts	Total			From Courts of first instance	From subordinate Appellate Courts	Total
Delhi	676	191	234	79	313	608	200	253	117	370
Hissar	1,163	132	335	51	386	1,305	116	457	55	512
Umballa	1,280	283	526	118	644	832	266	322	99	421
Jullundur ...	2,109	520	535	162	697	1,884	424	658	150	808
Amritsar	1,913	415	576	166	742	1,366	484	680	174	854
Lahore	1,387	494	351	130	481	1,768	469	580	180	760
Rawalpindi ...	845	621	313	239	552	1,048	585	208	238	446
Mooltan	956	164	269	55	324	434	148	275	60	335
Derajat	591	205	154	72	226	858	211	147	66	213
Peshâwar ...	1,069	157	196	80	276	948	189	427	69	496
Total ...	11,980	3,182	3,489	1,152	4,641	11,057	3,092	4,007	1,208	5,215

Taking first and further appeals together, there was an increase of 12 per cent. in the number of institutions. First appeals increased considerably in the Hissar, Jullundur, Amritsar, Lahore and Peshâwar Divisions, the increases in the Hissar and Lahore Courts following on increased disposals by full-powered officers and those in the other Courts occurring in spite of fewer cases having been disposed of by Courts exercising full civil powers. In the Umballa Division much less civil work was taken up by full-powered officers than in the preceding year, and the result was the transfer of a considerable number of appeals from the Divisional to the District Courts. In the Rawalpindi Division, on the other hand, first appeals declined from 313 to 208, notwithstanding an increase of 203 in the number of contested decisions by full-powered officers. The increase in further appeals was most marked in the Delhi and Lahore Divisions.

Appeals for disposal, disposed of and pending.

89. From the following table it appears that there was an increase of 774 in the number of appeals for disposal, of 228 in the number disposed of and a pending file of 1,614 cases at the end of the year, as compared with 1,068 cases pending at the end of 1881 :—

Division		Number of appeals for disposal		Number of appeals disposed of		Number of appeals pending		Average duration		Percentage of appeals				
		By Commissioner	By Additional Commissioner	By Commissioner	By Additional Commissioner	Before Commissioner	Before Additional Commissioner	Commissioner's Court	Additional Commissioner's Court	Transferred, struck off for default or otherwise not prosecuted	In which the order of the lower Court was: Upheld	Modified	Reversed	Remanded under Section 562, Civil Procedure Code
Delhi		453	...	333	...	120	...	91	...	11	47	6	24	12
Hissar		611	...	533	...	78	...	58	...	5	61	9	21	4
Umballa		246	312	203	228	43	84	28	117	4	67	3	22	4
Jullundur		709	887	301	665	408	222	67	90	4	55	5	27	9
Amritsar		565	117	468	74	97	43	54	132	5	58	5	25	7
Lahore		379	488	297	329	82	159	59	69	5	66	6	19	4
Rawalpindi		364	259	305	185	59	74	83	85	2	63	5	26	4
Mooltan		399	...	338	..	61	...	59	...	3	54	11	14	18
Derajat		295	...	238	.	57	...	88	...	3	77	3	13	4
Peshâwar		...	538	...	511	...	27	...	37	1	57	6	30	6
Total ...	1882	4,021	2,601	3,016	1,992	1,005	609	65	72	4	60	6	23	7
	1881	3,473	2,375	2,978	1,802	495	573	65	81	4	62	6	20	8

The greater part of the increase of work fell upon Commissioners. The increase in institutions brought to notice in the preceding paragraph was mostly in divisions, or the parts of divisions, in which Commissioners exercise jurisdiction, and the file of the Commissioner of Jullundur had an additional burden thrown on it towards the close of the year by the transfer of 207 appeals from the Settlement Department. These appeals were transferred to the Additional Commissioner early in the present year, but they appear in the table under remark as pending in the Commissioner's Court.

Commissioners disposed of 38 more appeals than in the previous year, the largest number being disposed of by the Commissioners of Hissar (533) and Amritsar (468). The two Additional Commissioners and the Civil Judge of Peshâwar disposed of 1,992 appeals, as against 1,802 in the previous year, the Additional Commissioner at Jullundur deciding 893 as against 981 in 1881, the Additional Commissioner at Lahore 588 as against 559 in 1881, and the Judge of Peshâwar 262 in 1881 and 511 last year.

The pending file was heaviest at the end of the year in the Court of the Commissioner of Jullundur, even if the settlement appeals mentioned above be excluded. Since the close of the year it has been found necessary to relieve the Additional Commissioner at Jullundur of all work not appertaining to that division, and to relieve the Commissioner in turn of the civil appeals of half the Hoshiârpur District, which have become very numerous now that the settlement operations are on the eve of completion.

Of the 1,614 appeals which were pending at the end of the year, 408 had been pending for more than three months. The oldest of these was instituted on November 21st, 1881 in the Court of the Commissioner of Umballa. The explanation given by the Commissioner, that the parties to the appeal reside in Kângra and were found with difficulty, seems hardly sufficient to account for a pendency of more than a year. No other appeal had been pending in a Divisional Court for a year.

90. The average duration of appeals was 65 days in Commissioners' Courts, as in the previous year, and 72 days in the Courts of Additional Commissioners as against 81 days in 1881. The appeals which were longest under disposal were those taken up by the Additional Commissioner at Jullundur from the Umballa Division. The average duration of the appeals decided by the Commissioner of Umballa was 28 days only.

Average duration.

91. The remaining columns of the table show the result of the appeals disposed of during the year. It will be observed that the percentage of reversals rose from 20 to 23, being highest in the Pesháwar, Jullundur and Rawalpindi Divisions. A decline of 27 in the number of remands under Section 562 and an increase of 71 in remands under Section 566 probably indicate stricter adherence to the law which regulates such remands. Additional evidence was called for in 28 cases, as compared with 30 cases in 1881, while 2 successful and 7 unsuccessful objections were filed under Section 561 of the Code, 5 successful and 12 unsuccessful objections having been filed in the preceding year.

Result of appeals in 1881 and 1882.

92 The annexed table gives particulars regarding the value and cost of the appeals decided by Divisional Courts last year.

Value and cost of appeals in Divisional Courts.

SCALE OF VALUATION	Number of appeals				Aggregate value of appeals				Aggregate cost of appeals			
	For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits	For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits	For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits
					Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Not exceeding Rs. 10	86	344	21	38	618	2,001	191	215	372	1,378	115	164
Do. 50	302	586	161	50	8,664	24,458	4,387	1,531	1,978	3,773	1,101	356
Do. 100	248	352	130	58	18 552	27,875	9,917	3,829	2,741	4,052	1.470	622
Do. 300	347	411	141	39	69,512	80.907	25.227	6,418	7,485	8,414	3,024	690
Do. 500	147	142	63	13	57,100	57,957	25,280	4,728	5,623	5,917	2,697	478
Do. 1,000	122	102	52	13	83,479	74,947	35,708	8,837	7,717	6,176	3,497	784
Do. 5,000	87	51	36	3	1,55,429	93,342	68,105	8,597	11,271	8,852	5,340	519
Do. 10,000	12	4	3	...	90,816	25,852	18,368	...	14,093	1,955	1,547	...
Do. 1,00,000	6	1	...	...	1,69,247	10,800	...	...	5,890	852	...	..
Exceeding 1,00,000	1	...	..	..	1,07,527	..	...	...	2,615	...	...	...
Appeals of which the value cannot be fixed	...	320	99	351	...	...	...	...	...	4,660	1,766	5,301
TOTAL ...	1,358	2,313	706	565	7,60,944	3,98,139	1,87,183	34,155	59,785	46,029	20,557	8,914

SCALE OF VALUATION	Average value of appeals												Average cost of appeals												Percentage of cost to value			
	For money or moveable property			For rights in land assessed or subject to assessment			For rights in other immoveable property			Other suits			For money or moveable property			For rights in land assessed or subject to assessment			For rights in other immoveable property			Other suits.			For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.				
Not exceeding Rs. 10	7	3	0	5	13	8	9	1	6	5	10	6	4	5	3	4	0	1	5	7	7	4	5	1	60	69	60	76
Do. 50	28	11	0	41	11	4	27	4	0	30	9	11	6	8	9	6	7	0	6	13	5	7	1	11	23	15	25	23
Do. 100	74	15	6	79	12	5	76	4	7	66	0	3	11	0	11	11	8	2	11	4	11	10	11	7	14	14	15	16
Do. 300	200	5	2	196	13	1	178	14	7	164	9	0	21	7	3	20	7	6	21	7	2	17	11	1	11	10	12	11
Do. 500	388	7	0	408	2	9	401	4	4	363	8	7	38	4	0	41	10	8	42	12	11	36	12	4	10	10	10	10
Do. 1,000	684	4	6	734	12	2	686	11	1	679	12	4	63	4	1	60	8	9	67	4	0	60	3	8	9	8	10	9
Do. 5,000	1,786	8	8	1,830	3	9	1,891	12	11	2,865	10	8	129	8	10	173	9	1	148	5	4	173	0	0	7	9	8	6
Do. 10,000	7,568	0	0	6,463	0	0	6,122	10	8	...	...	...	1,174	6	8	488	12	0	515	10	8	...	..	..	15	7	8	...
Do. 1,00,000	28,207	13	4	10,800	0	0	...	...	...	...	...	...	981	10	8	852	0	0	...	...	...	...	...	...	3	8	..	...
Exceeding 1,00,000	1,07,527	0	0	...	..	...	...	...	...	...	...	...	2,615	0	0	...	..	...	...	.	..	..	...	...	1	...	...	...
Appeals of which the value cannot be fixed	...	..	...	...	...	...	...	.	...	...	..	...	...	...	...	14	9	0	17	13	5	15	1	8	...	.	...	...
TOTAL ...	560	5	5	199	12	3	308	6	0	159	9	8	44	0	5	19	14	5	29	1	10	15	12	5	8	14	10	10

Taking, first, the classification of the previous year for purposes of comparison, it will be found that appeals relating to assessed or assessable land which could be valued in money were taxed for stamp duty as representing an average value of Rs. 217-2-4 and cost the parties on the average Rs. 19-10-3 in 1881, and were estimated to be of an average value of Rs. 199-12-3 and entailed an average cost of Rs. 20-12-1 last year. Other appeals to which a money value could be given bore a mean value of Rs. 712-11-4 in 1881 and Rs. 450-12-9 last year, the average incidence of cost being Rs. 36-4-4 in the earlier and Rs. 37-11-6 in the later year. Appeals relating to land which could not be valued in money cost on the average Rs. 13-12-7 in 1881 and Rs. 14-9-0 in the year under report, and other appeals of an indeterminate money value cost Rs. 13-12-3 in 1881 and Rs. 17-14-9 last year.

Next, taking the more detailed classification which has been introduced in the present returns, the number of appeals in each class, their average value and cost, and the ratio of cost to value in each class stand as under :—

Description of appeal	Number	Percentage of total number disposed of	Average value	Average cost	Percentage of cost to value
			Rs. A. P.	Rs. A. P.	
For money or moveable property	1,358	27	560 5 5	44 0 5	8
For rights in land assessed or subject to assessment	2,313	47	199 12 8	19 14 5	14
For rights in other immoveable property ...	706	15	308 6 0	29 1 10	10
Other suits	565	11	159 9 8	15 12 5	10

It will be observed that, whereas 61 per cent. of the appeals disposed of by District Courts related to money or moveables, the proportion of such appeals in Divisional Courts was only 27 per cent., and the actual number only 1,358. Of these, again, 228 related to suits exceeding Rs. 500 in value, leaving 1,130 only as the outcome of, say, at least 5,000 contested small causes from which, the case having been tried by a full-powered officer, a first appeal lay to the Divisional Court, and 2,869 appellate decisions from which a further appeal lay in all cases in which the order of the first Court was reversed or modified.

Miscellaneous appeals.

93. The following table shows the number of miscellaneous appeals instituted, decided and pending in Divisional Courts during the past year :—

	Instituted	*Decided*	*Pending*
Appeals under Section 588, Civil Procedure Code ...	256	237	49
Other miscellaneous appeals	128	118	25
Total ...	384	355	74

Miscellaneous appeals in Divisional Courts required an average of 47 days for disposal in 1881 and 46 days last year. The manner of disposal in each year is set forth in the annexed table of percentages.

	Percentage	
	1881	1882
Summarily rejected	26	21
Struck off for default or otherwise not prosecuted ...	6	4
Order of lower Court confirmed	41	42
Order of lower Court modified	1	1
Order of lower Court reversed	20	28
Cases remanded under Section 562, Civil Procedure Code ...	6	4

PART IV.—CIVIL BUSINESS OF THE CHIEF COURT.

Constitution of the Chief Court during 1882.

94. The Court, which consisted of four Judges during the first 7½ months of the year, was reduced to its normal strength of three Judges during the civil vacation and the succeeding fortnight. On the 2nd November, two Additional Judges were appointed for a period of one year, and sat as a second Bench for the disposal of civil appeals and revision cases admitted to a Bench from November 23rd to the end of the year.

Civil appeals.

95. In the subjoined comparative statement will be found particulars of the Court's civil appellate work during the years 1881 and 1882 :—

1			2	3	4	5	6	7	8	9	10	11	12	13
Description of appeals			Year	Number of appeals instituted	Number of appeals for disposal	Number disposed of	Percentage of appeals: Transferred	Dismissed for default	Rejected	Confirmed	Modified	Reversed	Remanded	Average duration
First and further appeals	From decrees ...		1881	470	819	363	...	2	41	24	4	21	7	182
	„ orders ...			36	61	41	...	...	49	22	2	12	15	171
		Total		506	880	404	...	2	42	24	4	20	8	181
	From decrees ...		1882	561	1,019	481	1	1	39	28	4	19	8	274
	„ orders ...			63	83	55	2	2	44	18	...	20	15	143
		Total		624	1,102	536	1	1	40	27	3	19	9	259
Second appeals	From decrees ...		1881	1,846	2,544	1,336	...	1	69	11	1	3	15	161
	„ orders ...			50	83	49	...	...	47	27	2	10	14	167
		Total		1,896	2,627	1,385	...	1	68	11	1	4	15	161
	From decrees ...		1882	1,878	3,097	1,819	1	2	60	16	1	5	16	172
	„ orders ...			75	109	80	...	1	36	12	2	12	35	214
		Total		1,953	3,206	1,899	1	2	59	16	1	4	17	173
	Grand Total	...	1881	2,402	3,507	1,789	...	2	62	14	2	7	13	166
			1882	2,577	4,308	2,435	1	2	55	18	2	8	15	193

Increase in institutions.

96. The great increase which has taken place in the judicial business of the Court during late years and the inability of three Judges to cope with it has formed the subject of special reference and correspondence and need not be dwelt on in this report. A comparison of the figures of the last two years shows, however, that in the most onerous branch of the Court's business an increase of 7 per cent. in institutions was not quite kept pace with, in spite of the Court having been strengthened as noted above and though the number of appeals disposed of during the year exceeded the disposals of the previous year by 646, and that 155 cases were added during the year to the pending file.

The increase in further appeals exceeded 23 per cent. and was relatively larger than the increase in the number of original decisions reversed and modified by Divisional Courts. The increase in second appeals was not quite 3 per cent., being most marked in appeals from the Peshâwar, Derajat, Lahore and Amritsar Divisions.

Results of appeals in 1881 and 1882 and manner of disposal.

97. Comparing the result of the appeals decided in the two years, it will be seen that in first and further appeals 68 per cent. failed in 1881 and 67 per cent. last year, and in second appeals 80 per cent. failed in the earlier, and 78 per cent. in the later, year. In both classes the proportion of appeals decided by a Bench was higher in 1882 than in 1881. In 32 per cent. of the cases disposed of by a single Judge in chambers the files of the lower Courts were sent for and examined before the appeals were rejected, and the files of the lower Courts were examined in chambers in 546 of the 1,244 appeals which were admitted during the year to a hearing before a Bench. In 67 of the 1,080 appeals which were decided by a Bench during the year the case had first to be remanded to the lower Court under Section 566 of the Code. In three cases objections were taken by respondents under the provisions of Section 561, and of these one was allowed.

Pending file.

98. The pending file at the end of the year consisted of 309 appeals pending in chambers and 1,564 appeals awaiting disposal by a Bench. The corresponding figures at the end of 1881 were 310 appeals pending in chambers and 1,408 pending before a Bench. It was, therefore, entirely in Bench cases that the work fell more into arrears, 1,244 having been admitted to a Bench as against 1,080 disposals by a Bench. Of the whole number of appeals pending on the 31st December last, 1,455 had been pending for more than three months and 732 for more than a year.

Average duration.

99. The average duration of the civil appeals decided last year is shown as 193 days, as against 166 days in 1881. The increase, however, is chiefly due to the civil vacation of two months having been included in the calculation on the present occasion, whereas in previous years it has been excluded. Excluding the vacation, the average of duration was 172 days last year.

100. The annexed table gives particulars regarding the value and cost of the civil appeals decided by the Chief Court during 1882. The appeals have been divided into four classes as in the tables showing the value and cost of suits and appeals in the subordinate Courts of the province. Miscellaneous appeals and transferred and readmitted appeals have been excluded as in previous years.

Value and cost of appeals decided during 1882.

Scale of valuation	Number of appeals				Aggregate value of appeals				Aggregate cost of appeals			
	For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits	For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits	For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits
Not exceeding Rs 10	...	133	48	43	...	658	242	145	...	891	243	216
Do. 50	...	403	160	22	...	10,734	4,817	498	...	3,441	1,276	202
Do. 100	15	217	92	20	1,144	14,829	6,996	1,552	198	2,978	1,291	249
Do. 300	34	189	90	32	6,721	33,601	15,858	6,702	776	4,424	2,075	835
Do. 500	28	39	34	8	10,888	15,713	13,619	3,460	1,233	1,789	1,548	490
Do. 1,000	44	25	21	12	31,605	16,260	15,090	8,503	3,289	1,788	2,179	993
Do. 5,000	22	6	8	12	47,851	11,174	13,108	25,982	4,364	1,032	1,293	3,626
Do. 10,000	5	...	1	2	33,037	...	6,000	14,443	2,192	...	326	2,609
Do. 1,00,000	...	1	...	...	...	10,326	...	...	...	504	...	...
Exceeding 1,00,000	...	1	1	1	...	5,68,076	1,45,000	2,45,000	...	3,026	3,206	2,278
Appeals of which the value cannot be fixed	...	*235	*40	*168	.	...	...	...	...	3,919	685	2,811
Total ...	148	1,299	495	321	1,25,246	6,81,371	2,20,730	3,06,285	12,052	23,792	14,122	14,309

Scale of valuation	Average value of appeals												Average cost of appeals												Percentage of cost to value			
	For money or moveable property			For rights in land assessed or subject to assessment			For rights in other immoveable property			Other suits			For money or moveable property			For rights in land assessed or subject to assessment			For rights in other immoveable property			Other suits			For money or moveable property	For rights in land assessed or subject to assessment	For rights in other immoveable property	Other suits
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.				
Not exceeding Rs 10	...	...	..	4	15	1	5	0	8	3	5	11	...	...	..	6	11	2	5	1	0	5	0	4	...	135	100	150
Do. 50	...	...	..	26	10	1	30	1	8	22	10	2	...	...	...	8	8	7	7	15	7	9	2	10	...	32	26	40
Do. 100	76	4	3	68	5	4	76	0	8	77	9	7	13	3	2	13	11	6	14	1	10	12	7	2	17	20	18	16
Do. 300	197	10	9	177	12	6	176	3	2	203	1	5	22	13	2	23	6	6	23	0	10	25	4	10	12	13	13	12
Do. 500	388	1	4	492	14	4	400	9	0	422	8	0	44	0	7	45	14	0	45	8	5	61	4	0	11	11	11	14
Do. 1,000	718	4	9	650	6	5	718	14	6	708	9	4	74	12	0	71	8	4	103	12	2	82	12	0	10	11	14	12
Do. 5,000	1,902	5	1	1,562	5	4	1,638	8	0	2,165	2	5	198	5	9	172	0	0	161	10	0	302	12	8	10	9	9	14
Do. 10,000	6,607	6	5	...	...	..	6,000	0	0	7,221	8	0	438	6	5	...	..	.	326	0	0	1,304	8	0	7	...	5	18
Do. 1,00,000	...	.	..	10,326	0	0	...	..	..	...	..	...	...	...	...	504	0	0	—	.		...	...	...	...	5	...	...
Exceeding 1,00,000	...	...	..	5,68,076	0	0	1,45,000	0	0	2,45,000	0	0	...	...	...	3,026	0	0	3,206	0	0	2,278	0	0	...	1	2	1
Appeals of which the value cannot be fixed	...	...	.	...	..	..	...	...	..	...	..	...	...	...	..	13	12	0	17	2	0	16	4	1	...	...	...	...
Total ...	846	4	1	671	15	5	485	1	11	2,001	13	9	81	6	11	18	5	0	28	8	10	44	9	2	9	3	6	4

* Appeals connected with occupancy rights 125
" " " declaratory decrees 315
" " " custody of wives 53
Total ... 493

Four appeals exceeding Rs. 10,000 in value were decided by the Chief Court last year and the same number in the previous year. Excluding these appeals in both years, and dividing the appeals into two classes only in accordance with the former practice, the quotients of average value and average cost and the ratio of cost to value stand as under :—

		Average value			Average cost			Percentage of cost to value
		Rs.	A.	P.	Rs.	A.	P.	
Appeals relating to land assessed or subject to assessment.	1881 ...	163	7	4	15	6	5	10
	1882 ...	101	12	3	15	9	11	16
Other appeals ...	1881 ...	308	4	3	20	13	10	11
	1882 ...	347	5	10	36	5	6	12

Taking the more detailed classification which has been adopted on the present occasion, the number of appeals in each class and their average value and cost were as noted below : —

Description of appeal	Number	Percentage of total number disposed of	Average value			Average cost			Percentage of cost to value
			Rs.	A.	P.	Rs.	A.	P.	
For money or moveable property...	148	7	816	4	1	81	6	11	9
For rights in land assessed or subject to assessment ...	1,297	57	101	12	3	15	9	11	16
For rights in other immoveable property ...	494	22	166	12	11	22	1	7	13
Other suits ...	320	14	403	3	1	37	9	6	15

It will be observed that 57 per cent. of the appeals disposed of last year related to rights in land assessed or subject to assessment, and 22 per cent. more to rights in other immoveable property, and that only 148 appeals in all, of which 77 were in small causes, were brought against decrees for money or moveable property. The percentage of appeals relating to assessed or assessable land was 56 in 1881, 52 in 1880 and 44 in 1879. The significance of these figures, as showing how high a value the people of this province set on rights in land and other immoveable property, will be made still more clear if we now compare the total number of appeals of each class decided last year—which, it has been seen, approximate to the number instituted—with the number of original decisions of the same class in the Courts of first instance. The total number of suits of all values for money or moveables decided last year by Courts of first instance and not of final jurisdiction was 191,687, and the total number of appellate decisions—first, further and second—was 9,563, which gives a ratio of 5 per cent. only of appellate to original decisions. On the other hand, the ratio of appellate to original decisions was almost 26 per cent. in suits for rights in land assessed or subject to assessment, exceeded 24 per cent. in suits relating to other kinds of immoveable property, and was 15 per cent. in the remaining kinds of suits, the actual figures in each class being as under :—

	Original decisions	Appellate decisions
For rights in land assessed or subject to assessment ...	26,705	6,929
For rights in other immoveable property ...	9,453	2,340
Other suits	10,657	1,566

Applications for revision.

101. Attention has been drawn in recent correspondence to the increasing demands which are made on the Court's time by applications for revision brought under Section 622 of the Code. These have increased from 153 in 1877 to 531 in the year under report. Including applications pending from the previous year, the total number for disposal last year was 594, of which 525 were disposed of with the following results to the applicants :—

		Number	Percentage
Rejected ...	Without calling for files...	305	58
	After calling for files ...	52	10
Dismissed by a Bench...	On default ...	2	...
	On the merits ...	58	11
Order of lower Court ...	Modified ...	4	1
	Reversed ...	31	6
Remanded for fresh decision	...	73	14

From the above it appears that 357 applications were disposed of by a single Judge in chambers and 168 by a Bench of two Judges. During the year 164 applications were

admitted to a Bench—in 120 cases without the files being sent for, and in 44 cases after a Judge had examined the files of the lower Court in chambers.

Other civil business.

102. Other civil business disposed of by the Chief Court during the past two years is given below:—

	1881	1882
Original matrimonial cases	1	...
Uncontested applications for probates and letters of administration	8	11
References under Section 17, Act IV of 1869 ...	3	1
References under Section 617 of the Civil Procedure Code	17	16
References under Section 46, Act I of 1879 ...	*Nil*	1
Applications for sanction to sale of land in execution of decrees	31	38
Applications for review, for permission to appeal as a pauper, to stay execution of decrees, and other miscellaneous applications	223	490
Total ...	283	557

The increase in the number of miscellaneous applications is due to the fact that in 1881 applications to stay execution proceedings were not taken into account.

PART V.—GENERAL.

Service of processes.

103. The subjoined statement shows the strength of establishment maintained in each district of the province last year for the service of processes, the number of processes issued for service during the year, and also gives information regarding the income derived from process fees and the expenditure incurred in the service of processes. The totals of the previous year have been added for purposes of comparison.

District	Establishment				Number of processes issued			Value of stamps filed for process fees	Expenditure	Remarks
	Názirs	Náib-Názirs	European Bailiffs	Peons	Civil	Criminal	Revenue			
								Rs.	Rs.	
Delhi ...	1	6	1	69	34,424	2,322	1,174	10,266	6,314	
Gurgaon ...	1	3	...	22	9,117	638	...	3,114	2,313	
Karnál ...	1	4	...	40	16,071	1,068	1,608	4,846	3,545	
Hissar ...	1	1	...	24	9,307	831	6,777	4,004	2,298	
Rohtak ..	1	2	...	26	22,493	950	124	5,278	2,339	
Sirsa ...	1	2	...	20	8,509	540	1,372	2,478	1,913	
Umballa ...	1	*9	1	115	44,556	4,174	4,564	12,999	9,841	*10 for 9 months
Ludhiána ...	1	5	...	70	43,157	5,832	894	12,443	5,311	
Simla ...	1	1	1	16	7,821	743	122	2,547	2,187	
Jullundur ...	1	12	1	113	81,316	4,052	1,243	20,547	10,154	
Hoshiárpur ...	1	13	...	128	90,383	9,304	1,295	23,337	11,055	
Kángra ...	1	3	...	86	25,371	3,405	6,311	9,095	6,476	
Amritsar ...	1	9	1	128	69,757	5,335	1,553	19,996	12,966	
Gurdáspur ...	1	9	1	98	64,317	5,065	4,386	21,545	8,416	
Siálkot ...	1	†11	...	103	69,713	8,623	4,912	21,495	7,581	† 12 for 3 months
Lahore ...	1	11	1	123	72,645	5,371	3,561	20,412	12,108	
Gujránwála ...	1	6	...	80	51,338	5,271	2,030	13,644	6,700	
Ferozepore ...	1	6	...	73	43,637	3,357	25	11,005	6,146	
Rawalpindi ...	1	12	2	97	51,526	7,513	1,683	16,321	9,091	
Jhelum ...	1	6	‡1	60	24,842	2,419	6,887	6,889	5,603	‡For 11 months
Gujrat ...	1	7	...	54	40,606	3,518	2,945	9,376	5,162	
Shahpur ...	1	4	...	55	28,748	4,468	1,623	9,521	4,497	
Mooltan ...	1	3	1	49	25,407	2,290	2,413	7,548	4,457	
Jhang ...	1	3	...	42	18,189	492	2,673	5,092	3,617	
Montgomery ...	1	2	...	35	19,391	725	853	4,731	2,914	
Muzaffargarh ...	1	4	...	60	27,258	914	4,177	7,794	4,798	
Dera Ismail Khan ...	1	5	..	66	27,162	1,364	2,966	7,249	5,125	
D. G. Khan ...	1	4	...	72	21,363	2,194	4,630	8,331	5,718	
Bannu ...	1	4	...	34	20,168	1,337	4,140	5,931	3,290	
Peshávar ...	1	6	1	58	27,496	2,115	4,507	7,196	5,530	
Hazára ...	1	§2	...	32	11,693	1,986	829	3,466	2,880	§3 for 6 months
Kohát ...	1	...	...	16	10,479	674	...	2,585	1,271	
Total ... 1882	32	175	12	2,064	1,118,310	98,890	82,278	3,21,076	1,81,616	
Total ... 1881	32	178	11	2,061	1,118,123	88,325	...	2,96,427	1,77,267	

In the matter of establishment it will be observed that during the year the number of náib-názirs was reduced by three, that an additional bailiff was employed, in the Jhelum District, and that three more peons were employed than in the previous year. These slight variations do not call for further remark.

As regards the number of processes issued, there was a very slight increase in the number of civil processes and a considerable increase in the number of criminal processes issued last year. Taking civil and criminal processes together, an average number of 590 were taken for service by each peon during the year under report, as compared with an average of 585 in the preceding year. Information is also given in the present returns regarding the number of revenue processes served last year by district establishments under the rules contained in Financial Commissioner's Book Circular No. XXIII of 1874. Including these processes, the number of which is returned as 82,278, the average number of processes issued to each peon was 630. The Gurgaon and Kohát returns, however, show no revenue processes; whether because no such processes were served by the district establishment or because information as to the number was not available is not explained, and the figures returned by other districts differ so widely as to suggest that either the figures, which have been asked for on the present occasion for the first time, are not accurate, or that the rules contained in the Financial Commissioner's Circular are not applied in the same way in all districts. Enquiries are being made from District Officers on both these points.

The apparent increase in the income derived from process fees from Rs. 2,96,427 to Rs. 3,21,076 is, no doubt, chiefly due to the income derived from the fees paid for the service of revenue processes having been taken into account in the past, and not in the previous, year. The rise in expenditure is in part the result of the orders issued by the Government of India, in Financial Department Resolution No. 225, dated 12th April 1882, that the cost of transmitting processes by post was to be no longer borne by the parties at whose instance the processes were issued, but by the process-serving fund. These orders were promulgated in May, and up to the end of the year Rs. 1,427 were spent in postage and registration fees. The expenditure in the different districts varies considerably, being as high as Rs. 159 in the Jhelum District and only Rs. 4 in Dera Ghází Khan. The attention of the local authorities will be drawn to these differences and they will be asked to satisfy themselves that, on the one hand, effect is being duly given to the wishes of the Government, and, on the other hand, that expenditure on postage and registration is not unnecessarily incurred. The net profit which accrued to the Government last year from the service of processes was Rs. 1,39,460. In 1881, the profit to the Government was returned as Rs. 1,19,160, but, as has been already stated, in 1881 the income derived from revenue processes was not taken into account. Last year, the expenditure did not exceed the income in any district.

In Commissioners' Courts, Rs. 4,717 were realized from process fees during 1882 and the expenditure amounted to Rs. 2,196. In the Chief Court, the income from process fees was Rs. 3,052.

Fees for inspection of records.

104. The following table shows the fees paid by litigants for inspecting records in the subordinate Courts, the expenditure incurred in maintaining establishments to supervise the inspection of records, and the profit which was credited to the Record Office Fund after all charges had been adjusted:—

		Income derived from Inspection Fees	Expenditure on Establishment, &c.	Balance credited to the Record Office Fund
		Rs.	Rs.	Rs.
Divisional Courts	1881	2,063	1,508	555
	1882	2,505	2,018	487
Difference ...		+442	+510	−68
District Courts	1881	7,885	3,113	4,772
	1882	10,963	3,863	7,100
Difference ...		+3,078	+750	+2,328

Use of a prescribed pattern of paper for petitions and copies.

105. The arrangements made in 1880 for the supply and use of paper of a standard pattern for judicial petitions and copies of judicial documents were referred to in the Court's report for that year. The price of the paper to the public was originally fixed at 4 pies a sheet, or 1 pie more than the price charged in Lower Bengal. This price was found

by experience to be higher than was necessary to ensure the Government against loss, and as it was never intended to make a profit out of the sale of the paper, the price was reduced on April 1st, 1882 to the Bengal price of 3 pies a sheet. The system, which has worked well in the Judicial Department, has been lately extended by the Financial Commissioner to certain kinds of revenue petitions.

Circulars, &c.

106. The most important circulars issued by the Court last year on its civil side, and not already mentioned, related to the translation of English judgments and decrees in cases in which translation seemed desirable, to points to be borne in mind in the inspection of subordinate Courts, and to the misjoinder of defendants in suits to recover certain kinds of dues. The Commissioner of Delhi in his report brings to notice that he has found that the appointment of a guardian *ad litem* on behalf of a minor defendant is often overlooked. The point has also attracted the attention of this Court and the Judges are about to issue a circular on the subject.

I have, &c.,

G. W. RIVAZ,

Registrar, Chief Court, Punjab.

STATEMENT No. 1.

STATEMENT SHOWING THE NUMBER OF JUDICIAL DIVISIONS AND THE NUMBER OF OFFICERS EXERCISING JURISDICTION IN CIVIL CASES IN THE PUNJAB ON THE LAST DAY OF THE YEAR 1882.

1	2	3	4	5	6	7	8	9	10	11	12	13
Class of Courts.	Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of Districts.	Number of districts.	Number of sub-districts.	Number of officers		Total number of cases decided				Remarks.
								Original		Appeal		
						European.	Native.	Regular.	Miscellaneous.	Regular.	Miscellaneous.	
Honorary Courts...	107,010 Square Miles	18,842,264	10	32	125	...	50	11,613	913	...	...	
Paid Sub-divisional Courts { Tahsil						...	147	37,194	4,302	...	...	
Paid Sub-divisional Courts { Munsiffs						...	74	151,588	18,090	...	...	
Small Cause Courts						13	...	20,549	1,532	...	...	
District Courts other than Chief Courts of Districts...						34	70	43,192	8,220	34	1	
Chief Courts of Districts						47	7	5,637	4,409	13,560	670	
Total ...						94	348	269,773	37,466	13,594	671	
Divisional Courts						13	...	3	88	5,008	355	
Chief Court						5	...	1	1,081	2,300	135	
Grand Total ...	...	...	...	...	...	112	348	269,777	38,635	20,902	1,161	

STATEMENT NO.

PART

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF CIVIL

THE

1	2	3	4	5	6	7	8	9	10	11	12	13
	SUITS FOR MONEY OR MOVEABLE PROPERTY.											
	Contract in writing											
CLASS OF COURTS.	Registered.	Unregistered.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work and materials.	Breach of contract not included in the foregoing.	Rent other than of land.	Moveable property or value thereof.	Damages.	Total.
Honorary Courts ...	334	3,108	2,389	2,417	55	133	170	40	61	983	131	9,821
Paid Sub-divisional Courts { Tahsil ...	353	7,186	4,822	5,247	67	141	341	256	366	3,083	277	22,139
Paid Sub-divisional Courts { Munsiffs...	1,519	59,909	28,474	25,287	290	1,492	963	782	1,059	9,799	474	130,048
Small Cause Courts ...	143	6,092	3,402	3,789	51	3,194	1,537	234	1,122	263	74	19,901
District Courts other than Chief Courts of Districts ...	1,405	9,468	4,209	5,300	226	403	458	334	342	2,295	287	24,727
Chief Courts of Districts ...	378	854	262	1,005	13	14	22	25	34	201	48	2,856
Total ...	4,132	86,617	43,558	43,045	702	5,377	3,491	1,671	2,984	16,624	1,291	209,492
Divisional Courts ...	...	...	...	...	...	...	...	...	...	...	...	...
Chief Court ...	...	...	...	...	...	...	...	...	...	...	...	...
Grand Total ...	4,132	86,617	43,558	43,045	702	5,377	3,491	1,671	2,984	16,624	1,291	209,492

No. 2.

1	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45
															OTHER
	Suits for possession or recovery of immoveable property founded on														
CLASS OF COURTS.	Contract.	Inheritance.	Gift.	Right of pre-emption.	River action.	Other cause.	Suits to recover possession of immoveable property under Section 9 of the Specific Relief Act.	Suits to compel specific performance of contracts.	Suits for declaratory decrees under Chapter VI of the Specific Relief Act.	Other suits under the Specific Relief Act not expressly provided for.	Suits to declare or establish rights to real property including pre-emption.	Suits to declare or establish personal rights.	Suits for an account other than an account for rent.	Suits relating to religious endowments.	Suits to set aside judgments, contracts or obligations on the ground of fraud.
Honorary Courts ...	84	129	6	25	...	313	78	1	13	7	22	12	9	2	1
Paid Sub-divisional Courts { Tahsil ...	1,227	1,665	25	517	22	2,833	529	38	66	23	133	52	103	...	36
Paid Sub-divisional Courts { Munsiffs...	1,594	987	36	292	4	2,471	199	25	19	16	262	104	25	2	56
Small Cause Courts ..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
District Courts other than Chief Courts of Districts ...	1,646	2,092	103	945	29	1,852	469	104	304	109	526	297	67	16	171
Chief Courts of Districts ...	279	276	11	197	4	109	121	46	59	20	84	71	21	2	56
Total ...	4,830	5,149	181	1,976	59	7,578	1,396	214	461	175	1,027	536	225	22	320
Divisional Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chief Court ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Grand Total ...	4,830	5,149	181	1,976	59	7,578	1,396	214	461	175	1,027	536	225	22	320

2.

I.

SUITS INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING YEAR 1882.

14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
Rent Suits and suits under the Punjab Tenancy Act.																
To recover arrears of rent from tenants without right of occupancy.	To recover arrears of rent from tenants with right of occupancy.	Damages for extortion or withholding receipts or on account of illegal restraint or other cause.	For recovery of money or accounts from agents.	Suits under Section 5 by tenants for right of occupancy.	Suits to establish right of occupancy under Section 3 on other grounds than those mentioned in the previous sections of the Act.	Suits under Section 6 by landlords for rebuttal of presumptive right of occupancy.	Suits under Sections 10 and 11 for enhancement of rent.	Suits under Section 14 for abatement.	Suits under Section 18 to set aside an award of division and appraisement of produce taken for rent.	Suits under Clause 1 of Section 19 by landlords for ejectment of tenants with right of occupancy.	Suits under Clause 2 of Section 19 by landlords for ejectment of tenants with right of occupancy.	Suits under Section 20 by landlords for ejectment of tenants without right of occupancy.	Suits under Section 25 by tenants to contest notice of ejectment.	Suits under Section 26 by tenants on account of illegal ejectment.	Other suits relating to questions of rent or tenancy.	Total.
114	39	1	...	4	1	...	14	...	...	...	5	10	...	12	2	202
2,785	938	39	8	250	58	40	301	53	57	14	17	143	361	103	72	5,242
1,806	491	28	2	37	46	7	25	3	...	5	4	31	172	69	36	2,762
...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...
625	162	20	10	319	247	62	383	13	29	61	21	44	353	113	67	2,529
187	13	2	...	41	22	14	25	1	3	2	5	5	23	6	...	352
5,517	1,643	90	20	654	374	123	751	70	89	82	52	233	909	303	177	11,087
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
5,517	1,643	90	20	654	374	123	751	70	89	82	52	233	909	303	177	11,087

Concluded.

46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61
Suits.															
Suits relating to betrothals, marriage, divorce and dower															
Suits connected with betrothals.	Suits for enforcement of matrimonial rights.	Suits for dissolution of marriage.	Suits connected with dower.	Suits for or relating to partition.	Suits relating to the revenue.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Inter-pleader suits.	Suits for dissolution of partnership.	Contested suits under Act X of 1865.	Any suits not included in the foregoing columns.	Total.	Grand total.	Total number of suits shown in columns 2 to 7 which were brought by bankers or shop-keepers against agriculturists.
67	23	1	11	2	64	...	1	...	...	...	...	82	953	10,976	5,654
100	46	6	54	34	2,763	1	2	4	2	1	...	526	10,808	38,189	9,867
883	71	8	667	82	1,179	...	...	1	...	3	13	247	9,246	142,056	72,948
...	...	...	...	..	...	...	...	...	...	...	...	...	...	19,901	1,196
						...									
599	1,750	37	212	94	601		2	9	2	11	...	350	12,397	39,653	11,559
68	315	15	35	43	30	3	...	10	1	76	...	108	2,065	5,273	1,575
1,717	2,205	67	979	260	4,637	4	5	24	5	91	13	1,313	35,469	256,048	102,799
...	...	3	...	...	...	...	...	...	...	...	...	...	3	3	...
...	...	1	...	...	...	...	...	...	...	...	...	...	1	1	...
1,717	2,205	71	979	260	4,637	4	5	24	5	91	13	1,313	35,473	256,052	102,799

STATEMENT No. 2.

PART II.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF MISCELLANEOUS CASES INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1882.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
	UNDER THE CODE OF CIVIL PROCEDURE.									OTHER MISCELLANEOUS CASES.										
CLASS OF COURTS.	Plaints or appeals rejected or returned without registration.	Applications under Sections 99, 103, 108, 558 and 560, for the restoration to the file of a suit or appeal dismissed on default or decreed *ex-parte*.	Claims to, and objections to the attachment of, attached property under Sections 278 & 487.	Complaints under Sections 328, 332 & 334, except when in case of obstruction by a claimant in good faith, the case is under Section 331, to be registered as a suit.	Enquiries under Section 258, on the application of the judgment-debtor, as to payment to the decree-holder.	Applications under Sections 401 & 592 for permission to sue or appeal as a pauper.	Applications under Section 623 for review of judgment.	Proceedings under Sections 174 & 643.	Total.	Cases regarding redemption and foreclosure of mortgages under Regulations I of 1798 and XVII of 1806.	Applications for certificates of guardianship of minors, or of administration of their property under Acts XL of 1858 and IX of 1861, and for the revocation of such certificates.	Applications regarding the care of lunatics' estates, and the guardianship of their persons under Act XXXV of 1858.	Applications for certificates under Act XXVII of 1860.	*Uncontested* applications for probates and letters of administration under Acts X of 1865 and XXI of 1870.	Other cases connected with the custody and disposal of intestate property.	Cases under Section 14 of the Legal Practitioners Act, 1879.	Cases under the Land Acquisition Act, 1870.	Miscellaneous cases not provided for in the foregoing columns.	Total.	REMARKS.
Honorary Courts	51	341	302	3	3	7	117	...	824	...	...	...	...	...	...	...	...	40	40	
Paid Sub-divisional Courts — Tahsil ...	1,105	1,497	1,192	11	39	70	264	14	4,192	...	...	...	...	...	...	...	...	43	43	
Paid Sub-divisional Courts — Munsiffs ...	2,170	7,073	7,112	27	186	281	915	112	17,876	...	..	...	...	...	...	...	...	55	55	
Small Cause Courts	297	623	241	...	6	24	211	6	1.408	...	...	...	...	...	...	...	...	127	127	
District Courts other than Chief Courts of Districts	1,917	1,990	2.611	46	85	641	594	4	7,888	2	6	...	...	...	35	...	...	263	306	
Chief Courts of Districts	496	356	342	2	2	216	252	...	1,666	1,209	352	5	630	11	27	3	...	458	2,695	
TOTAL ...	6,036	11,880	11,800	89	321	1,239	2,353	136	33,854	1,211	358	5	630	11	62	3	...	986	3,266	
Divisional Courts	12	22	...	...	...	20	26	...	80	...	...	...	...	...	...	...	13	...	13	
Chief Court	...	...	...	...	...	...	...	...	...	...	...	...	...	11	...	...	...	...	11	
GRAND TOTAL ...	6,048	11,902	11,800	89	321	1,259	2,379	136	33,934	1,211	358	5	630	22	62	3	13	986	3,290	

STATEMENT No. 3.

STATEMENT SHOWING THE NUMBER AND VALUE OF SUITS INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1882.

STATEMENT

STATEMENT SHOWING THE NUMBER AND VALUE OF

DURING THE

1	2	3	4	5	6	7	8	9
	NUMBER OF							
	Not exceeding Rs. 10				*Not exceeding Rs.* 50			
CLASS OF COURTS.	For money or moveable property.	For rights in land assessed or subject to assessment.	For rights in other immoveable property.	Other suits.	For money or moveable property.	For rights in land assessed or subject to assessment.	For rights in other immoveable property.	Other suits.
Honorary Courts	2,945	186	63	93	5,181	225	99	194
Paid Sub-divisional Courts ... Tahsil ...	6,017	3,999	725	939	10,040	4,640	1,099	1,085
Paid Sub-divisional Courts ... Munsiffs ...	33,739	1,465	728	588	64,325	2,167	1,462	1,495
Small Cause Courts	6,106	...	...	...	9,329	...	...	...
District Courts other than Chief Courts of Districts...	4,364	1,603	252	399	9,935	2,529	589	484
Chief Courts of Districts	212	134	14	118	793	188	38	102
Total	53,383	7,387	1,782	2,137	99,603	9,749	3,287	3,360
Divisional Courts	...	...	...	...	...	...	...	...
Chief Court	...	...	...	...	...	...	...	...
GRAND TOTAL ...	53,383	7,387	1,782	2,137	99,603	9,749	3,287	3,360

STATEMENT

	26	27	28	29	30	31	32	33	34	35	36	37
	NUMBER OF SUITS											
	Not exceeding Rs. 5,000				*Not exceeding Rs.* 10,000				*Not exceeding Rs.* 1,00,000			
CLASS OF COURTS.	For money or moveable property.	For rights in land assessed or subject to assessment.	For rights in other immoveable property.	Other suits.	For money or moveable property.	For rights in land assessed or subject to assessment.	For rights in other immoveable property.	Other suits.	For money or moveable property.	For rights in land assessed or subject to assessment.	For rights in other immoveable property.	Other suits.
Honorary Courts	1	...	...	...	...	...	...	...	...	...	...	...
Paid Sub-divisional Courts ... Tahsil ...	...	...	...	...	...	...	...	...	...	...	...	...
Paid Sub-divisional Courts ... Munsiffs ...	...	...	...	...	...	...	...	...	...	...	...	...
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...
District Courts other than Chief Courts of Districts	337	90	41	23	14	2	2	1	...	...	—	...
Chief Courts of Districts	353	45	33	25	39	2	...	3	31	2	7	3
Total	691	135	74	48	53	4	2	4	31	2	7	3
Divisional Courts	...	...	...	...	...	...	...	...	...	...	...	...
Chief Court	...	...	...	...	...	...	...	...	...	...	...	...
GRAND TOTAL ...	691	135	74	48	53	4	2	4	31	2	7	3

No. 3.

SUITS INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB

YEAR 1882

10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
SUITS INSTITUTED.															
Not exceeding Rs. 100				*Not exceeding Rs.* 300				*Not exceeding Rs.* 500				*Not exceeding Rs.* 1,000			
For money or moveable property.	For rights in land assessed or subject to assessment.	For rights in other immoveable property.	Other suits.	For money or moveable property.	For rights in land assessed or subject to assessment.	For rights in other immoveable property.	Other suits.	For money or moveable property.	For rights in land assessed or subject to assessmetn.	For rights in other immoveable property.	Other suits.	For money or moveable property.	For rights in land assessed or subject to assessment.	For rights in other immoveable property.	Other suits.
1,153	92	28	27	496	56	19	19	52	1	5	1	1	1	1	...
2,015	1,233	399	250	1,163	701	224	183	...	...	...	...	...	...	...	...
22,749	1,279	630	571	12,131	468	460	462	...	...	...	...	...	...	...	...
2,354	...	...	...	1,440	...	...	...	672	...	...	...	...	...	...	...
4,197	1,449	478	320	3,326	1,250	408	358	1,804	515	335	193	750	201	160	66
412	117	35	29	362	252	48	45	189	80	72	23	465	126	43	32
32,880	4,170	1,570	1,197	18,918	2,727	1 159	1,067	2,717	596	412	217	1,216	328	204	98
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
32,880	4,170	1,570	1,197	18,918	2,727	1,159	1,067	2,717	596	412	217	1,216	328	204	98

No. 3—(*concluded*).

38	39	40	41	42	43	44	45	46	47	48	49
INSTITUTED—*concluded.*											
Exceeding Rs. 1,00,000				*Suits of which the value cannot be fixed*			*Total value of suits*				
For money or moveable property.	For rights in land assessed or subject to assessment.	For rights in other immoveable property.	Other suits.	For rights in land assessed or subject to assessment.	For rights in other immoveable property.	Other suits.	For money or moveable property.	For rights in land assessed or subject to assessment.	For rights in other immoveable property.	Other suits.	REMARKS.
...	...	...	...	1	25	11	3,16,241	21,140	11,369	11,623	
...	...	...	...	309	133	50	6,54,544	3,43,931	1,10,187	64,532	
...	...	...	...	137	120	65	51,63,560	2,45,575	1,88,847	1,81,610	
...	...	...	...	...	...	...	8,61,277	...	...	...	
...	...	...	...	915	346	1,902	33,44,420	9,15,470	5,18,842	2,86,376	
...	1	...	...	244	83	488	19,27,803	5,27,773	2,34,320	2,17,100	
...	1	...	...	1,606	707	2,516	1,22,67,845	20,53,909	10,63,565	7,61,241	
...	...	...	...	...	...	3	...	...	...	...	
...	...	...	...	...	...	1	...	...	...	...	
...	1	...	...	1,606	707	2,520	1,22,67,845	20,53,909	10,63,565	7,61,241	

STATEMENT No. 4.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB IN THE YEAR 1882.

PART I.—CIVIL SUITS.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
CLASS OF COURTS.	Total number of suits before the Courts.	NUMBER OF SUITS DISPOSED OF.										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of suits.		Average number of days the parties or either or any of them had to attend Court.
		Transferred.	Without trial.	Without contest.				On reference to arbitration.		With contest.				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
Honorary Courts	12,220	...	2,218	2,066	2,799	1,046	84	124	29	2,270	977	607	8	26	18	2
Paid Sub-divisional Courts ... Tahsil	38,855	11	6.772	7,540	5,704	2,635	191	603	119	9,270	4.349	1,661	26	27	17	3
Paid Sub-divisional Courts ... Munsiffs	160,403	4	29,238	38,229	28,552	13,687	602	1,291	308	29.188	10,489	8.815	58	28	20	2
Small Cause Courts	21,745	1	3,123	4,519	3,826	3,320	31	148	43	4,171	1,367	1,196	55	21	17	2
District Courts other than Chief Courts of Districts	46.206	36	9,113	5,749	5.904	3,045	161	625	134	12,054	6,371	3,014	235	42	28	4
Chief Courts of Districts	6,270	2	996	955	639	305	11	135	27	1,631	936	633	179	65	61	4
TOTAL ...	285,699	54	51,460	59,058	47,424	24,038	1,080	2,926	660	58,584	24,489	15.926	561	33	21	3
Divisional Courts	3	...	...	...	1	...	...	...	...	...	2	...	...	25	19	8
Chief Court	2	...	...	...	...	1	...	...	...	...	...	1	...	...	337	...
GRAND TOTAL ...	285,704	54	51,460	59,058	47,425	24,039	1,080	2,926	660	58,584	24,491	15,927	561	33	21	5

STATEMENT No. 4.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB DURING THE YEAR 1882.

PART II.—MISCELLANEOUS CASES.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
CLASS OF COURTS.	Total number of cases before the Courts.	NUMBER OF CASES DISPOSED OF.										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of cases.		Average number of days the parties or either or any of them had to attend Court.
		Transferred.	Without trial.	Without contest.				On reference to arbitration.		With contest.						
				Compromised.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.			Contested.	Uncontested.	
Honorary Courts	950	...	158	16	27	37	..	...	...	499	176	37	...	14	11	2
Paid Sub-divisional Courts — Tahsil	4,458	..	1,653	224	104	39	34	15	5	1,545	683	156	...	16	20	2
Paid Sub-divisional Courts — Munsiffs	19,141	...	4,505	750	645	237	65	10	6	7,711	4,161	1,051	18	16	12	2
Small Cause Courts	1,571	...	614	105	13	55	22	...	1	511	211	39	...	13	7	2
District Courts other than Chief Courts of Districts	8,643	...	3,043	190	112	130	106	13	11	2,864	1,751	423	13	18	9	2
Chief Courts of Districts	4,619	...	1,032	124	64	475	170	34	18	1,799	693	210	12	23	16	2
TOTAL ...	39,382	...	11,005	1,409	965	973	397	72	41	14,929	7,675	1,916	43	19	11	2
Divisional Courts	93	...	43	1	...	1	11	...	...	19	13	5	.	75	15	2
Chief Court	12	...	...	...	...	9	1	...	...	...	...	2	...	...	24	2
GRAND TOTAL ...	39,487	...	11,048	1,410	965	983	409	72	41	14,948	7,688	1,923	43	18	11	2

STATEMENT No. 5.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS OF THE PUNJAB DURING THE YEAR 1882.

PART I.—APPEALS FROM DECREES.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
					Heard ex-parte.				*Contested.*								
CLASS OF COURTS.	Total number of appeals before the Court.	Transferred.	Summarily rejected.	Dismissed for default or otherwise not prosecuted.	Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.	Pending.	Of these pending more than three months.	Average duration of appeals.	Objection under Section 561, Civil Procedure Code.	Objections allowed.
Appellate Courts other than Chief Courts of Districts	12,872	...	2,178	516	208	17	36	62	4,387	709	1,812	1,536	1,411	154	44	9	4
Chief Appellate Courts of Districts	2,249	...	340	159	151	11	21	23	690	140	346	252	116	...	26	...	...
TOTAL ...	15,121	...	2,518	675	359	28	57	85	5,077	849	2,158	1,788	1,527	154	35	9	4
Divisional Courts — Appeals from original decrees	5,125	...	427	152	32	5	19	3	1,793	243	824	286	1,341	408	68	9	2
Divisional Courts — Appeals from appellate decrees	1,497	...	195	59	10	...	2	...	540	54	301	63	273				
Chief Court — Appeals from original decrees	7	...	...	...	...	...	...	...	1	1	...	1	4	3	363	...	...
Chief Court — Appeals from appellate decrees	4,109	17	1,284	36	1	...	...	...	426	33	173	327	1,812	1,460	190	3	1
GRAND TOTAL	26,859	17	4,424	922	402	33	78	88	7,837	1,180	3,456	2,465	4,957	2,025	63	21	7

STATEMENT No. 5.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS OF THE PUNJAB DURING THE YEAR 1882.

PART II.—MISCELLANEOUS APPEALS.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
					Heard ex-parte.				*Contested.*								
CLASS OF COURTS.	Total number of appeals before the Court.	Transferred.	Summarily rejected.	Dismissed for default or otherwise not prosecuted.	Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.	Pending.	Of these pending more than three months.	Average duration of appeals.	Objections under Section 561, Civil Procedure Code	Objections allowed.
Appellate Courts other than Chief Courts of Districts	558	...	121	36	28	...	...	3	150	12	71	84	53	6	33	...	...
Chief Appellate Courts of Districts	172	...	38	10	13	...	5	4	48	...	42	6	6	...	21	...	...
TOTAL ...	730	...	159	46	41	...	5	7	198	12	113	90	59	6	27	...	...
Divisional Courts — Appeals from original orders	359	...	62	14	3	...	1	...	122	5	78	13	61	15	46	...	...
Divisional Courts — Appeals from appellate orders	70	...	11	1	...	...	...	...	25	...	18	2	13				
Chief Court — Appeals from original orders	47	1	13	...	...	...	...	...	8	...	3	4	18	16	80	...	...
Chief Court — Appeals from appellate orders	145	...	40	2	...	...	...	...	12	2	18	32	39	26	119	...	...
GRAND TOTAL ...	1,351	1	285	63	44	...	6	7	365	19	230	141	190	63	43	...	...

STATEMENT No. 6.

STATEMENT SHOWING THE RESULT OF PROCEEDINGS ON APPLICATIONS FOR THE EXECUTION OF THE DECREES OF THE CIVIL COURTS IN THE PUNJAB IN THE YEAR 1882.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
CLASS OF COURTS.	Total number of applications to execute decrees for disposal.	APPLICATIONS DISPOSED OF									REALIZATIONS IN DECREES FOR MONEY.			NUMBER OF APPLICATIONS													
		By transfer under Section 223.	*Satisfaction obtained in full*		*Satisfaction obtained in part*		Wholly infructuous.	Pending at the close of the year.	Pending over three months but under six months.	Pending over six months.	*Amount realized*			On which processes were issued but not executed.	On which the judgment-debtor was arrested but released without imprisonment.	On which the judgment-debtor was imprisoned.	*On which moveable property*		*On which*				*On which possession was given*		On which specific performance was enforced.	On which partition was effected.	On which execution was otherwise effected.
			Through the Court.	Under Section 258.	Through the Court.	Under Section 258.					Without issue of coercive process.	After issue but without execution of process.	With the issue of process.				Was attached but subsequently released.	Was sold.	Immoveable property was attached but subsequently released.	Hereditary or joint acquired property in land was sold.	Other immoveable property was sold.	Action was taken under Section 305 or Section 326, Civil Procedure Code.	Of moveable property.	Of immoveable property.			
Honorary Courts ...	5,234	11	1,913	13	1,078	5	1,665	549	72	11	3,550	8,128	69.988	589	211	13	1,921	400	227	...	78	50	4	140	1	3	3
Paid Sub-divisional Courts — Tahsil ...	20,665	10	8,078	332	4,022	227	6,293	1,703	93	25	31,423	28,519	222,848	2,483	621	51	5,961	1,292	582	2	160	32	16	1,767	10	13	145
Paid Sub-divisional Courts — Munsiffs ..	110,835	442	29,267	767	26,970	825	40,115	12,449	1,119	648	85,965	211,097	1,167,722	23.051	4,168	417	30,349	7,305	3,679	3	1,333	449	161	1,397	15	86	966
Small Cause Courts ...	12,791	69	3,507	1,193	3,002	913	3,381	726	81	46	65,579	24,155	88,765	3,225	1,436	115	1,493	766	..	...	...	...	29	...	...	...	55
District Courts other than Chief Courts of Districts	36,991	69	10,558	425	7,314	438	13,312	4,875	590	489	146,940	193,897	894,152	5,854	1,492	347	8,323	2,895	1,384	11	711	118	275	2,412	118	48	440
Chief Courts of Districts ...	3,412	10	917	47	777	6	1,138	517	48	56	38,393	43,604	242,819	626	94	46	537	171	95	14	30	2	9	165	19	5	33
TOTAL ...	189,928	611	54,240	2,777	43,163	2,414	65,904	20,819	2,003	1,273	371,850	509,400	2,686,294	35,828	8,022	989	48,584	12,829	5,967	30	2,312	651	494	5,881	163	155	1,642

STATEMENT No. 7.

PROCEEDINGS IN INSOLVENCY UNDER CHAPTER XX OF THE CIVIL PROCEDURE CODE IN THE PUNJAB DURING THE YEAR 1882.

PART I.—SHOWING THE NUMBER AND RESULT OF APPLICATIONS UNDER SECTION 344, AND THE NUMBER OF INSOLVENTS BEFORE THE COURT.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
	APPLICATIONS FOR A DECLARATION OF INSOLVENCY.															PERSONS DECLARED TO BE INSOLVENTS.								
	NUMBER OF APPLICATIONS DEALT WITH.						APPLICATIONS DISPOSED OF.									NUMBER OF INSOLVENTS BEFORE THE COURT.						DISPOSED OF.		
		Filed during the year							Granted		Rejected											Discharged		
		By judgment debtors																						
CLASS OF COURTS.	Pending at the close of the previous year.	Under arrest or imprisonment.	Not under arrest or imprisonment.	By decree holders.	Received by transfer from other districts.	Total.	Transferred to other districts.	Withdrawn or otherwise not prosecuted.	A receiver being appointed.	A receiver not being appointed.	Penal proceedings under Section 359 not being taken.	Sentence of imprisonment being passed under Section 369.	Applicant being sent to the Magistrate to be dealt with.	Total.	Pending at the close of the year.	Pending at the close of the previous year.	Declared to be insolvents during the year.	Received by transfer.	Total.	Transferred.	Died.	Under Section 351.	Under Section 355.	Remaining at the close of the year.
Courts other than Chief Courts of Districts specially empowered	21	22	81	...	...	124	...	40	10	14	36	...	...	100	24	9	24	...	33	...	...	14	7	12
Chief Courts of Districts	31	77	103	...	...	211	...	63	21	28	48	2	...	162	49	11	55	...	66	...	...	29	17	20
TOTAL ...	52	99	184	...	...	335	...	103	31	42	84	2	...	262	73	20	79	...	99	...	..		24	32

STATEMENT No. 7.

PROCEEDINGS IN INSOLVENCY UNDER CHAPTER XX OF THE CIVIL PROCEDURE CODE IN THE PUNJAB DURING THE YEAR 1882.

PART II.—SHOWING THE NUMBER OF ESTATES IN THE HANDS OF RECEIVERS AND THE PROGRESS MADE IN WINDING UP.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Number of insolvents' estates in the hands of receivers.				*Amount of creditors' claims dealt with during the year.*					*Amount of insolvents' assets realized and outstanding.*			
CLASS OF COURTS.	Pending at the close of the previous year.	Placed in charge of a receiver during the year.	Number of estates in regard to which proceedings were finally closed during the year.	Pending at the close of the year.	Unsatisfied and pending at the close of the previous year.	Admitted.	Disallowed.	Satisfied.	Unsatisfied and pending at the close of the year.	Amount of realized assets in the hands of receivers at the close of the previous year.	Gross amount realized during the year.	Total amount of disbursements.	Amount remaining in the hands of receivers at the close of the year.
Courts other than Chief Courts of Districts specially empowered	13	7	11	9	41,539	52,105	8,224	16,875	76,769	8,570	22,828	17,240	14,158
Chief Courts of Districts	14	12	5	21	1,15,895	1,14,458	23,795	13,589	2,16,764	7,687	7,865	6,001	9,551
TOTAL ...	27	19	16	30	1,57,434	1,66,563	32,019	30,464	2,93,533	16,257	30,693	23,241	23,709

STATEMENT No. 8.

STATEMENT SHOWING USE OF ASSESSORS IN THE CIVIL COURTS OF THE PUNJAB IN THE YEAR 1882.

1	2	3	4	5	6
			ASSESSORS' TRIALS.		
				Number of cases in which Judge differed from	
CLASS OF COURTS.	Established or average number of assessors in each case.	Number of cases tried with assessors.	Number of cases in which Judge agreed with assessors.	One Assessor.	Both Assessors.
Divisional Courts acting under Act X of 1870	2	4	1	2	1

Proceedings of the Hon'ble the Lieutenant-Governor of the Punjab, in the Home (Judicial) Department, No. 263 S., dated 27th July 1883.

READ—

Annual Report on the Administration of Civil Justice for the year 1882.

REMARKS.—There has been an increase of 5 per cent. in the number of suits instituted, which in the year under report reached the figure for 1880, and with the exception of that year, is higher than has been known hitherto. The increase is spread over sixteen districts of the Province, but appears to be abnormal only in the districts of Sirsa, Kohat, Peshawar and Ferozepore. The cessation of settlement operations in Sirsa has no doubt swelled the number of civil suits there. This may also, in some degree, be the reason in regard to Kohat; but the steady rise in civil litigation, observed in this district, is no doubt principally due to the fact that the people of the more backward tracts are learning that the civil courts afford an easier way of settling disputes than local councils of elders. Both in Kohat and in Peshawar the people made considerable profits during the late Afghan War, and since its close have had more leisure to attend to their affairs. The extension of the railway to Peshawar partly accounts for the increase in that district. The increase in Ferozepore has not been satisfactorily explained. No reason is suggested for the decrease of civil suits in Simla. The epidemic of fever in the riverain tracts of the districts of Shahpur and Jhang, prevalent last autumn, appears to have materially reduced the amount of civil work in those districts.

2. The total number of suits instituted was 256,052. A decrease is noticeable in the number of suits of a nature cognizable by a Court of Small Causes, while, on the other hand, suits for arrears of rent, and of suits under the Punjab Tenancy Act, were more numerous than last year. The increase is partly nominal, and due to the transfer of such cases from the Settlement Courts in Sirsa, Rawalpindi and part of Hoshiarpur to the district courts. But suits relating to occupancy rights increased also in Gurgaon, Karnal and Jhelum, and in Delhi there was a large increase in suits by tenants to resist ejectment. The uncertainty of some of the provisions of the Punjab Tenancy Act has borne evil fruit in some parts of the Province, notably Hoshiarpur, by engendering extensive litigation, and the revision of these provisions of the Act seems to be inevitable. The matter is under consideration.

There was a satisfactory decrease in suits by bankers and shopkeepers against cultivators, which are both relatively and absolutely less numerous than in any of the seven preceding years. Other suits, not relating to tenants, and not of the nature of small causes, increased 8 per cent. The Lieutenant-Governor is glad to observe that the number of suits relating to betrothal, dower, marriage and divorce has remained stationary. It is matter for regret that social and family differences should come so largely before the Civil Courts.

3. The table appended to paragraph 14 of the Report shews clearly the petty nature of the vast mass of civil litigation in this Province. No less than 70 per cent. of the suits instituted did not exceed Rs. 50 in value, and altogether 95 per cent. of the suits, or 244,376 cases, did not exceed Rs. 300 in value. It is stated that nearly 211,600 of this number might have been heard by officers exercising the powers of Tahsildars and Munsiffs; but as a fact, only 174,617 suits of this number were heard in such courts, the remainder being taken up by superior Civil Courts, which entailed a manifest waste of power. The duties of Tahsildars in connection with revenue matters forbid their extensive employment in the disposal of civil litigation. The Supreme Government has recently sanctioned the appointment of ten additional Munsiffs, and the Lieutenant-Governor hopes that it may now be possible to relieve superior officers of the disposal of petty causes. The subject is under consideration in connection with the reorganization of the judicial agency of the Province, regarding which a report has recently been made to the Government of India.

4. There were, in the year under review, in all 285,699 suits for disposal in District Courts, and of this number 269,773 suits were disposed of, being 5,482 more than last year. The number of pending cases has also been reduced ; and the Lieutenant-Governor thinks that the results of the work performed by the Courts in the despatch of original civil business are satisfactory. The mode of disposal has remained the same as in 1881. More than half of the whole number of civil suits, or 67 per cent., were settled either without trial or without contest. It would thus appear that in the majority of civil cases, the machinery of the Courts is used merely for the convenient registration or enforcement of claims which are admitted ; and it may be a question whether it is not possible to devise some means of accomplishing these objects without the waste of time of the parties to such suits and of the officers disposing of them, which is inseparable from the process at present in force. The average duration of an uncontested suit, in 1882, was 21 days ; and the average number of attendances required for the disposal of a suit, including cases of every description, in a District Court was 3, as in former years. The average duration of contested cases has risen during the year, owing chiefly to high averages in the Courts of Judicial Assistants and of Munsiffs ; concurrently satisfactory decrease occurred in the Courts of Deputy Commissioners and of Honorary Civil Judges. The duration of uncontested cases in Deputy Commissioners' Courts is shown (paragraph 33) to have risen from 53 to 85 days, but from a comparison with paragraph 36 and Statement No. 4 appended to the Report, it appears doubtful whether this is not a clerical error. The speedy despatch of litigation is a matter of great importance, and will no doubt continue to receive the attention of the Judges. The Lieutenant-Governor is glad to observe that arrangements have been made which will permit of an easy control of subordinate civil courts in the matter of the excessive issue of commissions; and that instructions have been issued to ensure that revenue officials shall not needlessly be employed upon commissions.

5. More than half of the original civil work in the Province was disposed of by Munsiffs ; care was taken to keep the number of suits decided by Tahsildars within the prescribed limits. In a few cases only were they exceeded without sufficient reason, and the necessary steps have been taken to reduce the civil work of those Tahsildars to its proper amount.

The number of suits decided by the Honorary Civil Courts of the Province has been steadily increasing, and the acknowledgments of the Lieutenant-Governor are due to the Honorary Judges for the care and attention which they have devoted to their judicial work. Upon one of these gentlemen, Sodhi Mán Singh, the title of Sardar Bahadur has recently been conferred, mainly for his judicial services, by His Excellency the Viceroy.

6. The number of applications for redemption or foreclosure of mortgages under the Regulations of 1798 and 1806 has increased by one-third. As the law affords to mortgagors ample opportunity to redeem their lands, the increase in the number of applications to foreclose need not cause apprehension.

Applications to sue *in formâ pauperis* have increased. The Lieutenant-Governor will be glad to be informed of the conclusions of the Judges regarding the number of prosecutions of recusant witnesses, or of persons suspected of forgery or perjury in the Courts of the Munsiffs of the Lahore district.

7. In cases of execution of decrees, the percentage of wholly infructuous proceedings was almost the same as last year, being 39 per cent. in 1882. It is an evil that so large a proportion of judicial orders should be without result. A further proportion of 27 per cent. has been only partially executed during the year under report. The average duration of proceedings in execution of decree has risen to 41 days from 38 in 1881. The delay in such cases in the Gurdaspur, Amritsar and Muzaffargarh districts is not satisfactory. The actual amount of money realized from the decrees that have been executed during the year has increased by 7 per cent.

8. The number of cases in which judgment debtors were arrested, but released without being imprisoned, was greater than last year, but the number of persons who were committed to the civil prisons remained almost the same as in 1881. The average period of detention has risen by ten days. It is satisfactory that only 30 compulsory sales of hereditary or joint-acquired property took place in execution of decrees during 1882; but the number of temporary alienations of landed property has slightly risen. The procedure in executions of decrees affecting land is regulated by special rules, which were maintained in 1877, and provide for the supervision of the judicial and revenue authorities over compulsory alienations of land. The revision of these rules, with reference to the provisions of Act XIV. of 1882, is under the consideration of the Judges.

9. The experiment of entrusting the execution of all decrees passed by the courts at the head-quarters of a district to a single officer does not appear to have succeeded, as it seems to be difficult to spare officers from the district staff for this purpose. The former plan, by which each court executed its own decrees, has been again adopted in several districts.

10. Judgment debtors or creditors do not seem to have availed themselves much of the law regarding insolvency. In no case did a decree-holder make an application for the declaration of insolvency of his debtor, nor were the results of the administration of the estates of insolvents, placed in the hands of receivers, encouraging. Only 9 per cent. out of the total amount of scheduled debts were satisfied during 1882, and at the end of the year less than one-tenth of the sum of claims admitted to be due and recoverable was in the hands of the receivers for the satisfaction of such claims. It was suggested in paragraph 7 of last year's review that the large proportion of infructuous decrees seemed to point to the conclusion that there was room for improvement in the existing law of bankruptcy in the Punjab. A report by the learned Judges received during the past year has confirmed the Lieutenant-Governor in this conclusion, and the subject is under the consideration of the Government of India. Owing to the special insolvency provisions of Act IV. of 1872, a dual system is in force, which has resulted in considerable uncertainty as to the law applicable to the different courts, and a simplification of the procedure is clearly desirable. Closely connected with this subject is that of imprisonment for debt, which is also understood to be under the consideration of the Supreme Government.

11. The duration of cases in the Small Cause Court of Amritsar is still above the average. It is matter for satisfaction that there has been a considerable increase in the number of cases disposed of generally by Courts of Small Causes, and that as compared with other Civil Courts the realization of decrees was easy in such courts. The working of executions of decrees was especially good in the Small Cause Court at Lahore.

12. Parties to suits appear to be steadily making greater use of their right to appeal. While there was an increase of 3 per cent. in the number of contested decisions from which an appeal lay to the District Courts, the number of such appeals increased by 6 per cent. during the year; and there was also a rise of 1 per cent. in the ratio of first appeals to Divisional Courts from contested decisions appealable to such courts; and of 3 per cent. in the rate of further appeals to cases in which District Courts of appeal had interfered with the decisions of the lower courts. The Lieutenant-Governor regrets to observe that the pending file at the close of the year in district appellate courts was larger than last year, and that there has been a corresponding decrease in the percentage of disposals. The heavy file of arrears of long standing in the courts of the Judicial Assistants of Delhi and Gujrat has been noticed by the Judges.

The average duration of appeals has diminished in district courts of appeal; it was high in Ferozepore and Gujrat.

13. The appellate work of Commissioners has been unusually heavy, and special arrangements had to be made to keep pace with the number of appeals in the Court of the Commissioner of Jullundur, to which much work was trans-

ferred by the impending close of the settlement in half of the district of Hoshiarpur. The average duration of appeals in the Courts of Commissioners was the same as in 1881, while the average in the Courts of Additional Commissioners was reduced by 9 days.

14. For the first 7½ months of the year a fourth Judge assisted the Chief Court as a temporary measure, and in view of the constant increase of appellate work in the Court, two Judges were added to its normal strength, for the period of one year, from November 1882. The number of appeals instituted in the Court rose from 2,402 in 1881, to 2,577 in the year under report, and there were 4,308 civil appeals for disposal as compared with 3,507 in 1881. The number of cases disposed of increased to 2,435 from 1,789 in the previous year. Excluding the civil vacation of two months, which has been calculated in the returns for this year, the average duration of the appeals rose from 166 days in 1881, to 172 days in the year under review. A revision of the whole system of appeal in the Punjab is at present under the consideration of Government, and the Lieutenant-Governor hopes that the conclusions which will be formed will materially lighten the burden of civil appellate work.

15. In last year's review the excessive cost of civil appeals in contrast to the value of the subject matter of the suits was noticed. In suits for rights in lands assessed or subject to assessment, the average value is calculated on the stamp valuation, and is therefore far below the average value of the suits; and in many other suits, such as those for arrears of rent, questions of title are often raised which are of deep importance to the parties. Similarly, in other suits connected with immoveable property, the subject often involves considerations of a value much higher than the apparent valuations of the suits. The ratio of cost of the suit to its value is therefore, in these classes of suits, virtually not so high as it appears to be; and though the nominal valuations of these suits are small, they are for these reasons carried on to the ultimate court of appeal. But it is in suits for money or moveable property, where the considerations mentioned above do not apply, that the costs in original cases and in appeals seem to be very high. Thus the percentage of costs to value in such suits, not exceeding Rs. 10 in value, amounts to 20 per cent. in the original suit, to 33 per cent. in the courts of first appeal, and to 60 per cent. in the courts of second appeal: a suit of this nature carried in appeal to the Divisional Courts will on the average cost more than the value contested. This fact constitutes an argument for curtailing the course of appeal in such cases, and giving finality at an earlier stage of the proceedings.

16. The attention of the Judges has been directed, during the course of the year, to a subject fraught with the utmost importance to suitors, *viz.*, the condition of the local Bar, and the qualifications for admission to the status of Pleader. Owing partly to improved facilities of communication, partly to the rise in the value of land, partly to the ever-increasing intricacies of the law, the employment of Pleaders is yearly becoming more common, and the area of their functions, both in regard to the class of cases and the grade of court in which they are engaged, more extended. If one party to a suit employs a Pleader, the other, however little able to afford the expense, considers it necessary to do the same, and the cost of litigation, already very high, is further increased.

It may be matter for doubt whether the refinement of a local Bar was really required in the Punjab at so early a stage of its administration, but retrogression is impossible, and all that remains to be done is to provide for the regulation of the system in such a manner as to impose the least possible burden upon the people. Sir Charles Aitchison views with great apprehension the multiplication, especially in subordinate courts, of pleaders and agents whose interest it is to foster and protract litigation, and who are many of them persons of only moderate attainments and position. It seems to him that a searching test of fitness should be required from all who aspire to be legal advisers of the ignorant and too confiding peasant, and it is with this object that he has recently invited the opinion of the Judges on the existing tests. The Lieutenant-Governor would be disposed to require proof of a higher education in the liberal arts than

is demanded under existing rules, and the recent constitution of the Punjab University seems to afford an opportunity for associating the Punjab Bar with academical traditions, which may greatly influence its future condition. The subject is one in which a reform is much needed, and the Lieutenant-Governor awaits the recommendations of the Judges with interest.

17. In conclusion, the Lieutenant-Governor wishes to thank the Judges for their careful supervision of the subordinate courts, performed in addition to the discharge of the ordinary work of the Chief Court, which, owing to the great increase which has occurred of late years, and the accumulation of a heavy file of arrears, has been of a very onerous character.

ORDER.—Ordered that a copy of the above Review be furnished to the Registrar of the Chief Court for the information of the Judges, and for circulation with the Report.

Ordered also, that the Remarks be published in the *Punjab Government Gazette.*

By order of the Hon'ble the Lieutenant-Governor,

W. M. YOUNG,

Secretary to Government, Punjab.

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